

TITLE 12

Parks and Navigable Waters

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Parks and Recreation

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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 Town of Stephenson 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, play ground, recreational area, river lake access sites, swimming pool/area or conservancy area in the Town of Stephenson or under the administration of the Town Board.
- (b) **Specific Regulations.**
- (1) **Littering Prohibited.**
 - a. No person shall litter, dump or deposit any rubbish, refuse, earth or other material in any park. No such refuse or trash shall be placed in any waters in or contiguous to any park, or left anywhere on the grounds thereof, but shall be placed in the proper receptacles where these are provided. Where receptacles are not so provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence, and properly disposed of elsewhere.
 - b. No person shall throw, discharge, or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream, bay or other body of water in or adjacent to any park or any tributary, stream, storm sewer, or drain flowing into such waters, any substance, matter or thing, liquid or solid, which will or may result in the pollution of said waters.
 - (2) **Sound Devices.** No person shall operate or play any amplifying system, including musical instruments, unless specific authority is first obtained from the Town Board.

- (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 Town Board.
- (4) **Throwing Stones and Missiles Prohibited.** No person shall throw stones or other missiles which may cause harm 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, unless specifically authorized by the Town Clerk or Chairperson.
- (6) **Trapping.** "Trapping" when used in this Section includes the taking, or the attempting to take, of any wild animal by means of setting or operating any device, mechanism or contraption that is designated, built or made to close upon, hold fast or otherwise capture a wild animal or animals; live traps on a person's property are excluded. The trapping of wild animals is hereby prohibited in Town parks, except municipal trapping authorized by the Town Board.
- (7) **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. Control of the fire and the smoke will be the responsibility of the person using such a fire.
- (8) **Protection of Park Properly.**
 - a. 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, fireplace, monument, railing, waterline improvement, ornament, building, structure, apparatus, bench, table, official notice, sign or other property within any park.
 - b. No person shall deface, by throwing stones, pebbles or other debris at any of the toilets, bubblers or other sanitary facilities located in any Town park; or to deface by drawing with crayon, chalk, paint, or anything else on any of the buildings or equipment at any Town park; or to deface the equipment by means of a sharp instrument.
- (9) **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 Town Board authorization for shows, rides or exhibits and

then only for the purpose of loading and unloading. No vehicle maintenance or car washing is permitted in any Town park.

- (10) **Snowmobiles.** No person shall operate a snowmobile in a Town park except in designated areas. Snowmobiles shall only be operated on designated trails.
- (11) **Speed Limit.** No person shall operate any vehicle in a Town park in excess of fifteen (15) miles per hour unless otherwise posted.
- (12) **Glass Beverage Bottles in Parks Prohibited.** No individual shall possess or consume any beverage in a glass bottle or glass container in any Town park.
- (13) **Reckless Driving in Parks Prohibited.** No person shall operate a motor vehicle in a reckless manner in any of the public parks of the Town.
- (14) **Parking in Parks.** No person shall park any motor vehicle in any park in the Town except in a designated parking area. The overnight parking of vehicles is prohibited.
- (15) **Horse and Carriages.** No person shall ride a horse or drive a horse-driven vehicle in any park, or lead a horse into a park, except on roads or designated bridle paths, except when approval of the Town Board is first obtained.
- (16) **Removing Tree Protectors.** No person shall remove any device for the protection of trees or shrubs.
- (17) **Golfing and Sporting Activities.** No golfing or practicing golf in Town parks or recreation areas shall be allowed except with the use of a wiffle ball. All sporting activities shall be held in areas so designated for that purpose.
- (18) **Arrows.** No person shall use or shoot any bow and arrow in any Town park, except in authorized areas.
- (19) **Fees and Charges.** The Town Board shall 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.
- (20) **Firearms; Hunting.** Possessing or discharging of any air gun, sling shot, explosive, firearm or weapon, including for hunting, of any kind is prohibited in all Town parks.
- (21) **Fish Cleaning.** Cleaning of fish in Town shelters, toilet facilities or picnic areas is prohibited in all Town parks.
- (22) **Controlled Substances.** Possessing, using or dispensing of a controlled substance in violation of the Uniform Controlled Substances Act is prohibited in all Town parks.
- (23) **Vendors Restricted.** No person shall sell, vend or give away any article of merchandise whatever, including food and/or beverage sales, without a written permit from the Town Board. No person shall expose or offer for sale any article or thing nor station or place **any** stand, cart, or vehicle for the transportation, sale or display of any such article or thing, excepting regularly authorized concessionaires acting by and under the authority and regulation of the Town Board unless special permission is granted by the Town Board during a special event.
- (24) **Alcohol Beverages.** The consumption or possession of alcohol beverages in Town parks is prohibited unless authorized by the Town Board.

- (25) **Pets.** Dogs, horses and any other pets are not permitted in any Town parks.
- (26) **Skates.** No skateboards, inline skates or roller skis will be permitted a Town park at any time, except in designated areas.
- (27) **Restrooms and Washrooms.** No person shall fail to cooperate in maintaining restrooms and washrooms in a neat and sanitary condition. No person over the age of five (5) years shall use the restrooms and washrooms designated for the opposite sex.
- (28) **Misuse of Equipment.** Jumping, standing or misuse will not be permitted on any bench, bleachers or picnic tables; any misuse or use with intent to do damage will be considered vandalism and may result in dismissal from the park.
- (29) **Loitering on Equipment Preventing Use.** No loitering is permitted on playground equipment so as to disrupt use by persons waiting to use such equipment.
- (30) **Responsibility for Equipment Damage.** Any person or persons causing any damage to property in the Town park shall be punished and/or fined under the appropriate ordinance and be required to make full and complete restitution.
- (31) **Camping.** Overnight camping is not permitted in any Town park, except where Town Board approval is obtained for special events or in designated camping areas; campers shall comply with all posted use regulations.
- (32) **Satellite Toilets; dumpsters.** It will be the obligation of civic organizations or other major park users to provide satellite toilets and extra garbage dumpsters during the time of celebrations or special events authorized by the Town Board.
- (33) **Waste Disposal Restrictions.** No person shall dispose of any garbage, bottles, tin cans or any other solid waste material, including demolition material, in any Town park where the waste is generated from outside of the Town park property.
- (34) **Bicycle Restrictions.** No person shall ride a bicycle or skateboard or rollerblade in a reckless manner or ride in and around any bleacher area or shelter house areas. All bicycles will be neatly parked when unattended. No bicycles are permitted in any park building/shelter whether ridden or parked there for any reason.
- (35) **Picnic Areas.** No person in a park shall leave a picnic area before a fire in the said picnic area is completely extinguished and before all trash, garbage and other refuse in the said picnic area is placed in the disposal receptacles provided for that purpose.
- (36) **Bathing and Swimming.** No person in the park shall swim, bathe, or wade in any waters or waterways in or adjacent to any park, except in such waters and at such places as are provided therefore, and in compliance with such regulations as are herein set forth or may be hereafter adopted. The Town provides no lifeguard service and assumes no liability. The Town provides no lifeguard service and assumes no liability. The Town provides no lifeguard service and assumes no liability.

Cross-Reference: Section 11-4-1.

Sec. 12-1-2 Operation of Remote or Radio-Controlled Airborne Toys or Devices Prohibited.

It shall be unlawful for any person to fly, operate or make use of any airborne remote or radio-controlled model airplane, helicopter, boat, vehicle or any other such device 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 Town Board or its designee, no person shall dig into the turf of any Town-owned park or recreational property for any purposes whatsoever or remove any trees or flowers. Absent authorization by the Town Board or its designee, the use of metal detectors and digging for buried objects on Town parks or recreational property is prohibited.

Sec. 12-1-4 Park Hours.

- (a) **Hours Established.** Town parks shall be open to the public from 6:00 a.m. until 10:00 p.m. Presence during closed hours is prohibited.
- (b) **Exceptions.**
 - (1) **Authorized Persons.** The regular closing hours of Town parks do not apply to persons having permission from the Town Board or Town Clerk to be present in the Town parks during closed hours on specific days and for specific purposes. In addition, parties engaged in watercraft launching at public boat landings are exempt from regular park closing times.
 - (2) **Limited Athletic Event Exceptions.** The regular closing hours of the Town parks do not apply to persons in attendance at a regularly scheduled ball game at the ball diamond located in the Town, except that those persons shall vacate the park within thirty (30) minutes after the ending of a regularly scheduled game.
- (c) **Park Closing and Opening Dates.** The Town Chairperson, Town Board or Town Clerk 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.

Sec. 12-1-5 Use of Recreational Vehicles/Camping Units Regulated.

- (a) **Authority and Purpose.** The purpose of this Section is to provide for the general peace, health, and safety of the public and to regulate the maintenance, parking and operation of recreational vehicles/camping units within the Town of Stephenson. This section is promulgated under the authority granted under COMM 91 - 91.03(6), HFS 178.08(2e,f), HFS 178.09, and COMM 62.29, Wis. Adm. Code.

- (1) In addition to complying with the terms of this Chapter, the owner of a recreational vehicle/camping unit shall comply with the conditions of the Marinette County Shoreland Zoning Ordinance, as amended, whenever applicable. Any zoning permit(s), if applicable, must be obtained prior to the issuance of any permit by the Town Board.
- (b) **Definitions.** For purposes of this Section, the following definitions shall be applicable:
 - (1) **Authority.** The Town of Stephenson, in which a campground or camping unit is located.
 - (2) **Campground.** Any parcel or tract of land owned by a person, state or local government which is designed, maintained, intended or used for the purpose of providing sites for non-permanent, overnight use by four (4) or more camping units, whether for profit or not.
 - (3) **Designated Authority.** The Town of Stephenson Code Enforcement Officer, any person or entity authorized by the Town of Stephenson Board, or any other lawful authority.
 - (4) **Enclosed Trailer.** An enclosed horse trailer, enclosed snowmobile/ATV trailer, moving van or similar type of trailer.
 - (5) **Improved Parcel.** An improved parcel must have, include or possess a fire number, dwelling unit, sanitary disposal system, well and electrical power.
 - (6) **Unimproved Parcel.** A parcel that excludes any of the requirements of an improved parcel, Section 12-1-5(b) (5)
 - (7) **Non-Plumbing.** Includes a privy device, composting and/or incinerating.
 - (8) **Person.** Any individual, firm, trust, partnership, association or corporation.
 - (9) **Proper Sanitary Disposal Plan and System.** This means that sewage may not be discharged onto the ground surface. Containers installed outside of a camping unit and used to receive the discharge from its toilet, shower, or bathing/sink facilities shall be emptied as often as necessary so as not to create a nuisance. Wastewater shall be disposed of in a manner approved by the Wisconsin Department of Health and Family Services pursuant to HFS 178, Wis. Adm. Code.
 - (10) **Recreational Vehicle/Camping Unit.** Per State of WI DHS 178-03-(4), any portable device, no more than 400 sq. ft. in area, used as a temporary dwelling, including but not limited to a camping trailer, motor home, bus, van, pick-up, truck or tent.
 - (11) **Sewage.** Includes all liquid and waste water from sinks, bathing and toilet facilities.
- (c) **State Campground License Required.** It shall be unlawful for any person to maintain or operate within the Town of Stephenson any campground unless such person shall first possess a proper permit to operate a licensed campground from the State of Wisconsin's Bureau of Public Health. To determine which agent to contact for an application form, contact: Bureau of Public Health, P.O. Box 309, Madison, WI 53701 or by telephone at (608) 266-2835. A campground must be situated on a minimum tax parcel size of five (5) acres.
- (d) **Town Parking Permit Required; Fee.**
 - (1) **Annual Parking Permit; Payment of Fee.**
 - a. Each camping unit owner shall secure an annual parking permit from the Town of Stephenson and pay the annual parking permit fee prescribed by Sec. 1-3-1. This requirement shall apply to each camping unit parked on an unimproved

parcel within the Town of Stephenson for a period of time longer than four (4) months within each twelve (12) month period. Any camping unit parked longer than seventy-two (72) hours must have a proper sanitary disposal system in operation. A disposal system includes a Port-A-Jon, Privy (outhouse), composting or incinerating toilet.

- b. On an improved parcel, the property owner is allowed one (1) camping unit to be parked on said property without having to obtain an annual parking permit. For each additional unit(s), the owner shall be required to obtain a parking permit.
 - c. A parking permit will be required and shall be renewed each January. The parking permit fee prescribed in Sec. 1-3-1 shall be paid to the Town of Stephenson by the camping unit owner as the primary responsible party, or by the landowner as the secondary responsible party if the primary responsible party fails to pay such fee. The annual parking permit fee is due on or before the 31st day of each January for the year starting January 1st.
 - d. A condition of permit issuance is that permittees shall at all times maintain their recreational vehicle/camping unit in full compliance with the requirements of this Section and any other State, County and/or Town ordinances and regulations, including, but not limited to, ordinances/regulations governing property maintenance, zoning, building codes and health/sanitation.
- (2) Placement of Units; Removal of Wheels.** The wheels or similar devices for transportation of any recreational vehicle/camping unit shall not be removed except for repairs lasting no more than ten (10) days, nor shall any such recreational vehicle/camping unit be otherwise fixed, mounted or attached to the ground in any manner that would prevent ready removal.
- (e) **Additional Construction Regulated.** No construction of any windbreaks, carports, permanent garages [structures maintained over five (5) months], utility sheds, storage space, decks or any other type of improvements attached to a recreational vehicle/camping unit shall be allowed.
 - (f) **Use of Converted Vehicles.** No camping unit is to be utilized as a storage shed, workshop or business use; a permit shall not be issued for such a use.
 - (g) **Sanitary Requirements.** A proper sanitary disposal system shall be in operation for all camping units if they are to be parked in the Town of Stephenson for a period of time longer than seventy-two (72) hours. A non-plumbing permit or sanitary permit, if applicable, shall be presented to the Town of Stephenson prior to the issuance of any annual parking permit. Recreational vehicles/camping units shall not be permanently attached to a private sewage system. The Town of Stephenson reserves the right to inspect the waste disposal system of a recreational vehicle/camping unit at any time if there is a health or safety concern or a complaint has been made to the Town.
 - (h) **Garbage Receptacles.** Receptacles for garbage and refuse, with tight fitting covers, shall be required in numbers adequate to permit the proper sanitary disposal of all garbage and rubbish. The recreational vehicle/camping unit and its surrounding area shall be kept at all times in a clean, orderly and sanitary condition; the owner of the unit shall be responsible for such required maintenance.

- (i) **Fire Protection.** All recreational vehicles/camping units shall be equipped with fire extinguishers. No open fires shall be started on the premises without permission from a Fire Warden, except that recreational campfires are permitted unless prohibited by the Wisconsin Department of Natural Resources during dry conditions.
- (j) **Animals and Pets.** No recreational vehicle/camping unit owner or person in charge of any dog, cat or other pet animal kept or harbored on the premises shall permit such animal to run at large or commit any nuisance or violate any ordinance.
- (k) **Posting of Annual Parking Permit.** Each recreational vehicle/camping unit shall post its annual camping permit on the unit itself inside of a window (if available) that is easily visible from the outside at all times.
- (l) **Penalties.** The owner of a recreational vehicle/camping unit violating any provision of this Section shall be subject to the penalties in Sec. 1-1-6 and the costs of prosecution for each unit found to be in violation. In addition, each unit found without a valid annual camping permit shall be required to secure a permit at double the regular annual fee.
- (m) A dwelling unit owner desiring to park a guest's recreational vehicle/camping unit on their premises in excess of five (5) days shall obtain such permission from the land owner. Although street parking may allow motor vehicle parking, a recreational vehicle/camping unit shall not be parked on such streets in excess of five (5) hours or at the land owner's discretion. Parking regulations in TOS Section 10-1-23 apply as well.
- (n) The parking of any unoccupied recreational vehicle/camping unit in an accessory private garage or building, or in a rear yard is permitted, providing no living quarters shall be maintained or any business conducted in such unit while so parked or stored.
- (o) One (1) recreational vehicle/camping unit is allowed on up to one (1) acre, with one (1) additional unit allowed per each additional one (1) whole acre thereafter, up to a maximum of 3 recreational vehicles or camping units on any tax parcel. Building setbacks indicated in Section 15-1-14, are in effect for all recreational vehicles and camping units.

Sec. 12-1-6 Organized Events on Town Parks, Lands, Inland Waters or Airport.

- (a) **Purpose.** The purpose of this Section is to insure that all organized events open to the public that occur on any Town of Stephenson property, boat landings, inland waters or airport are authorized by the Town Board by permit, to insure that public safety and peace are maintained in the Town and all regulations, laws and ordinances are complied with.
- (b) **Authority.** Pursuant to Secs. 30.50 through 30.81, Wis. Stats., and other applicable state laws, the Town Board is empowered to establish and enact ordinances regulating activities on any waters within its jurisdiction. In addition, the Town Board is authorized to enact regulations governing the use of any Town properties under its general police powers, including parks and airports.
- (c) **Definitions.** The following definitions shall be applicable in this Section:
- (1) **Beach Area.** The upland area adjacent to the water designated for swimming and the grassy area adjacent to that which is sectioned off from the remainder of a Town park or recreation area.
 - (2) **Exclusive Use Area.**
 - a. An area set aside for exclusive use during water ski shows and practices. The permittee shall be granted exclusive use of the event location during the authorized day(s) or date(s) and hours of the permitted event.
 - b. For purposes of this Section, an exclusive area is located in the Town of Stephenson Park, in part of the SW 1/4 of the NW 1/4 of Sec. 31 T.33N R.19E, by Landing 3 for the Twin Bridge Ski Club's events.
 - (3) **Inland Waters.** Any lake or body of water under the jurisdiction of the Town of Stephenson.
 - (4) **Organized Event.** Any event advertised and open to the general public, including, but not limited to: snowmobile races/drag; fishing tournaments; water ski shows; boat, motor vehicle or ATV races or derby's; polar plunges; fireworks displays, etc.
 - (5) **Permit.** The written authorization granted by the Stephenson Town Board to hold such an organized event, with payment of a fee per Section 1-3-1.
 - (6) **Town Properly.** Any public park, recreation area, boat landing or conservancy area within the Town of Stephenson, which includes any Town property owned or leased by the Town of Stephenson, including airports.
- (d) **General Rules for Permits.** The following requirements and considerations shall govern permits issued under this Section:
- (1) **Permit Exception.** No permit is needed under this Section for any private outing or picnic.
 - (2) **Applications.**
 - a. Permits can be obtained from the Town Clerk. Applications shall be filed with the Town Clerk a minimum of thirty (30) days in advance. The Town Board shall review such applications and grant or deny permits.
 - b. A combined permit may be issued for several prescheduled events of the same type.
 - c. The permit application shall clearly explain the nature of the proposed event, the activities proposed to be conducted, and the name(s) of the sponsoring organization and designated contact persons.
 - (3) **Prior Non-complying Events.** If a previous permit was issued by the Town and the conditions of such permit were not met or the event violated requirements, such noncompliance may be a basis for denying a future permit request.

- (4) **Compliance with All Regulations A Requirement.** A condition of permit issuance is that all Town ordinances applicable to the event shall be fully complied with.
 - (5) **Permit Display/Possession.** The event sponsor, or designated contact person, shall have the Town-issued permit in its possession and on display in a conspicuous location at the event.
 - (6) **Insurance.** The event sponsor shall file with its application proof of liability insurance in the amount of One Million Dollars (\$1,000,000.00). The Town of Stephenson shall be named as an additional insured party and proof thereof filed with the Town Clerk. In the event such insurance is cancelled or denied, the sponsor shall immediately notify the Town Clerk; failure to provide required insurance may result in event cancellation.
 - (7) **Event Cleanup.** The application shall indicate what persons are responsible for post-event cleanup.
 - (8) **Sanitary Facilities.** At the time of application, the sponsor shall provide proof that adequate sanitary facilities shall be provided.
 - (9) **Additional Safeguards.** Depending on the nature of the event, the Town may require that additional safeguards and provisions be provided for the event.
- (e) **Additional Requirements for Events on Water bodies.** In addition to other requirements in this Section, the following additional requirements shall be applicable for events on water bodies:
- (1) **Public Access to Be Maintained.** Public access to lakes and water bodies shall be maintained at all times during the event.
 - (2) **Exclusive Use Areas.** The general public is not allowed to use designated exclusive use areas during water ski shows/practices and other authorized events.
 - (3) **Prohibited Event Preparations.**
 - a. With events on ice-bound waters, no plowing of snow to hinder anyone from obtaining full use of the lake or the cutting of holes in the ice (other than for ice fishing) is allowed without proper barricades first being erected.
 - b. For ice races/draggs, a fence or snow berm is required to protect the public from the race area.
 - (4) **Applicability of State Statutes.** State boating and safety laws as found in Secs. 23.33, 30.71, and 30.742 and Ch. 350, Wis. Stats., and NR 5.19, NR 50 and NR 64, Wis. Adm. Code, are hereby adopted by reference and are fully applicable to activities governed by this Section.
- (f) **Regulations Applicable For Events on Town Property.**
- (1) **Prohibitions.** It is unlawful to:
 - a. Litter.
 - b. Have any open fire except in designated furnished grills.
 - c. Set off any fireworks or discharge any firearms.
 - d. Camp overnight unless specific authority is first obtained from the Town Board.

- e. Remain or loiter between the hours of 10:00 p.m. and 5:00 a.m. unless specific authority is first obtained from the Town Board
 - f. Engage in any disorderly conduct including any violent, abusive, unreasonably loud or otherwise disorderly conduct or permitting or encouraging of the same.
- (2) **Beach Area Prohibitions.** No vehicle parking, vehicular traffic, or plowing of snow is permitted in a beach area.
- (3) **Boat Landings.** No blocking or obstructing of any public boat landing is permitted.
- (g) **Fees.**
- (1) **Security Deposit.** A security deposit as prescribed in Sec. 1-3-1 shall be required at the time of application.
 - (2) **Refund.** The security deposit fee will be returned after the event if there were no violations associated with the event.
- (h) **Applicability and Enforcement.** The provisions of this Section apply to any person, club, corporation or organization requesting to host an event open to the public or for profit and may be enforced by persons authorized by the Stephenson Town Board, Marinette County Sheriff's Department or the Wisconsin Department of Natural Resources.
- (i) **Penalties.**
- (1) **Inland Waters.** Wisconsin state boating penalties as found in Sec. 30.80, Wis. Stats., and deposits established in the Uniform Deposit and Bail Schedule established by the Wisconsin Judicial Conference are hereby adopted by reference with all references to fines amended to forfeitures and all references to imprisonment deleted.
 - (2) **Town Property.** Persons violating this Section shall be subject to the penalties in Sec. 1-1-6. After a third violation, the party shall be denied future permits.
- (j) **Non-Liability Provisions.** Sec. 30.81(3), Wis. Stats., states that all traffic on ice-bound waters shall be at the risk of the traveler. An ordinance by any local government that is enacted under this section of state law permitting traffic on ice bound inland waters shall not render the local government adopting the ordinance liable for any accident to those engaged in permitting traffic while the ordinance is in effect.

Title 12 ► Chapter 2

Public Property Naming Procedures

Sec. 12-2-1 Naming Procedures for Public Property.

(a) **Renaming Streets.**

- (1) To request the renaming of a Town street, by anyone other than the Town, a petition signed by at least fifty percent (50%) of all property owners along the street in question shall be submitted to the Town Board. Petition signatures shall be limited to one per parcel. Naming shall be accomplished through adoption of a formal resolution by the Town Board, and shall comply with Marinette County's road naming regulations, which do not permit duplicate names.
- (2) For streets within a recorded subdivision or certified survey map, an affidavit of correction shall be recorded with the Register of Deeds as specified under Sec. 236.295, Wis. Stats.
- (3) All costs associated with the name, including the cost of any recording necessary and the cost of signage shall be paid by the person(s) submitting the request. This cost may be waived by the Town Board.

(b) **Naming of Public Waters.** (Note: proposed names for public waters require approval of the Wisconsin Geographic Names Council in order to be recognized on maps outside the Town.)

- (1) Requests to name or rename a creek, stream, river or lake shall be made in writing and brought before the Town Board. The person(s) who submitted the request shall provide background information into the rationale behind the request, including biographical information if to be named after a person. Any letters from appropriate organizations and individuals which provide evidence of substantial local support for the proposal shall be submitted at that time. **If** the creek, stream, river or lake is included in a Lake Protection and Rehabilitation District, approval from the district must be obtained prior to the submittal of the request to the Town. Upon approval of the Town Board, the proposed name change shall be submitted to the Wisconsin Geographic Names Council for approval. The Town Board meets every February to act on all requests. Once a public body of water is named after a person, the name of the public body of water cannot be changed for a period of fifty (50) years.
- (2) All costs associated with the naming, including the cost of any recording necessary and the cost of signage, shall be paid by the person(s) submitting the request. This cost may be waived by the Town Board.

(c) **Naming of Public Facilities.**

- (1) Requests for the naming or the renaming of public buildings, faculties, and parks shall be submitted in writing. Requests concerning parks shall be brought before the Town Board. The person(s) who submitted the request shall provide background information into the rationale behind the request, including biographical information if to be named after a person. Any letters from appropriate organizations and individuals which provide evidence of substantial local support for the proposal shall be submitted at that time. Naming shall be accomplished through adoption of a formal resolution by the Town Board.
- (2) Once a public building, park or facility is named after a person, the name of the public property cannot be changed for a period of fifty (50) years.
- (3) All costs associated with the naming, including the cost of any recording necessary and the cost of signage, shall be paid by the person(s) submitting the request. This cost may be waived by the Town Board.

Public Property Naming Procedures 12-2-1

- (d) **Recommendations.** At its option, the Town Board may ask for advisory recommendations on renaming applications from Town committees/commissions, Town staff or civic organizations.

Title 12 ► Chapter 3

Public Building Use

12-3-1	Authority
12-3-2	Public Building Access and Use
12-3-3	Reservation of Town Hall
12-3-4	Use of Town Hall for Private Sales or Marketing

Sec. 12-3-1 Authority.

The Town Board has the specific authority, powers and duties pursuant to Sections 60.10, 60.22, and 101.13, Wis. Stats., and specific statutory authority, powers and duties with authorization of the Town meeting, to purchase, lease, construct and dispose buildings and property for the Town of Stephenson and to manage and direct certain affairs related to Town buildings and lands.

Sec. 12-3-2 Public Building Access and Use.

- (a) **Authority for Public Access.** The Town Board has the authority to establish dates and times for public access to the public buildings and public lands owned or leased by the Town. In addition, the Town Board has the authority to place additional restrictions on the use of the public buildings and public lands owned or leased by the Town.
- (b) **Town Hall.**
 - (1) The Town Hall of the Town of Stephenson shall be open to the public as posted unless written notice to the contrary is posted at the usual and customary locations in the Town.
 - (2) The Town Hall shall be open to the public at other times with the approval of the Town Board subject to the conditions of this Section and Section 12-3-3. The use of the Town Hall may be provided for non-governmental functions and events. The Town Board may charge a daily rental fee for such use to the responsible party. In addition to the rental fee, the Town Board may require that the responsible party provide a written indemnification and/or a policy of insurance to indemnify and hold harmless the Town of Stephenson from any costs, damages or expenses the Town may incur as a result of any injury to any person at or near the Town Hall. The Town may enter into an annual lease for Town Hall space to be used for instructional

purposes by the vocational/technical school district, conditioned upon providing proper proof of insurance. (3) Town Hall users may be required to pay to the Town a security deposit in an amount determined by resolution of the Town Board, or its designee. Such security deposit may be refunded, in all or part, upon a finding that the premises were left in a satisfactory condition.

- (c) **Litter and Discharge.**
 - (1) The Town Board does not permit the disposal or discharge of any litter, solid waste, hazardous waste, garbage or any other refuse in any Town public building and on the premises of any Town building except in disposal containers authorized by the Town.
 - (2) No person shall dispose or discharge the above noted waste in violation of this provision. Any person violating this provision shall immediately and totally reclaim and remove the disposed or discharged waste from the Town public building.
- (d) **Alcoholic Beverages and Smoking Prohibited in Building.** It shall be unlawful for any person to use any tobacco product or material that can be smoked in the Town of Stephenson Town Hall or to possess or consume any alcohol beverage.

Sec. 12-3-3 Reservation of Town Hall.

- (a) **Policy on Reservation.** The Town Hall is primarily for the nonexclusive use of the residents of the Town of Stephenson. However, under proper circumstances, exclusive use of the same may be permitted. This Section is intended to regulate exclusive use of the Town Hall to the end that the general welfare of the Town is protected.
- (b) **Application.** Applications shall be filed with the Town Clerk at least forty-eight (48) hours prior to the date on which the Town Hall is to be used. The Town Clerk may determine and require a security deposit (refundable) to ensure proper care when using the Town Hall. The requestor shall provide the Town Clerk with 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 the group, firm, organization, partnership or corporation, the name, address and telephone number of 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 Town Hall.
 - (4) The date when the use is requested and the hours of the proposed exclusive date.
 - (5) The anticipated number of persons to use the Town Hall.
 - (6) Any additional information which the Town Clerk finds reasonably necessary to a fair determination as to whether authorization should be granted. If the Town Clerk believes that the request raises unique or unusual policy issues, the request may be referred to the Town Board for its action.

- (c) **Reasons for Denial.** Applicants requesting the use of the Town Hall 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 an application is already pending.
 - (3) If the applicant does not provide the information required by Subsection (b) above.
 - (4) The application is made less than the required time in advance of the scheduled exclusive use.
 - (5) If it is for a use of the Town Hall at a date and time when, in addition to the proposed use, anticipated nonexclusive use by others of the Town Hall 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 Town Hall.
 - (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.
 - (9) The use of the Town hall would be for, or give the appearance of, a partisan political or political-issue event. An exception would be multi-party candidates' forums sponsored by a non-partisan group such as, but not limited to, the League of Women Voters.

Sec. 12-3-4 Use of Town Hall for Private Sales or Marketing.

- (a) The use of any of the facilities in the Town Hall for any sale or marketing of products or services by private entities is permitted under the following circumstances:
- (1) The selling/marketing individual or entity must be either:
 - a. A non-profit organization; or
 - b. An invited guest of a nonprofit organization (speaker, product or service representative, etc.).
 - (2) Prior approval of the Town Clerk must be obtained. Non-profit organizations seeking such approval must have a current certificate of insurance on file with the Town Clerk. If requested, proof of nonprofit status must also be provided to the Town Clerk.
- (b) Any room used for such purposes must be returned to its pre-event condition; all sales brochures and materials are to be removed from the building at the conclusion of the event. Failure to do so may result in denial of future requests for use of the facility by the responsible organization.
- (c) Exceptions to this Section may be granted on a case-by-case basis by the Town Board.

Title 12 ► Chapter 4

Boating and Watercraft Use

12-4-1	Water Safety Patrol Unit
12-4-2	State Boating and Water Safety Laws Adopted
12-4-3	Boating/Personal Watercraft on Newton Lakes
12-4-4	General Watercraft Regulations on Town Lakes

Sec. 12-4-1 Water Safety Patrol Unit

- (a) **Authority.** Pursuant to the authority granted in Section 60.56 & 30.79, Wis. Stats., there is established a separate municipal agency known as the “Town of Stephenson Water Safety Patrol Unit”, for the purpose of enforcing sections *23.33 (as referenced in Title 10-1), Titles 10-2 and 10-4 of the Town of Stephenson, Code of Ordinances and sections 30.50 to 30.80 of chapter 30 of Wisconsin Statutes. The Water Safety Patrol unit is to enforce applicable State and Town regulations and ordinances on highways, public and private lands, waterways, boat landings and parking areas located in the Town of Stephenson, Marinette County, Wisconsin.*
- (b) **Employment of Officers.** Water Safety Patrol Unit officers shall possess current law enforcement certification as prescribed by the State of Wisconsin. Water Safety Patrol Unit officers shall be authorized and work under the direction of Stephenson Town Board, and report to the Stephenson Town Board. Water Safety Patrol Unit officers will be sworn to enforce all Town ordinances relating to *highways, public and private lands, waterways, boat landings and parking areas located in the Town of Stephenson, Marinette County, Wisconsin.*
- (c) **Wisconsin Department of Natural Resources Coordination.** Water Safety Patrol Unit officers shall work in conjunction with the Wisconsin Department of Natural Resources. The Town of Stephenson shall receive reimbursement of expenses from the Wisconsin Department of Natural Resources (DNR) for the Water Safety Patrol Unit.
- (d) **Citations.** Water Safety Patrol Unit officers may issue citations for violations of Town ordinances relative to waterways, of Ch. 30, Wis. Stats., *23.33 (as referenced in Title 10-2), Titles 10-2, 10-4,* and other relevant Wisconsin Statutes adopted by reference and incorporated herein in Section 11-1-1 of the Stephenson Code of Ordinances.
- (e) **Court Proceedings.** All citations written by Water Safety Patrol Unit officers will be processed in the Town of Stephenson Municipal Court pursuant to the forfeiture schedule then in effect.
- (f) **Nonexclusivity.** Adoption of this Section does not preclude the Town Board of the Town of Stephenson from adopting any other ordinance or providing for enforcement of any other law or ordinance relating to the same or other matters.

Sec. 12-4-2 State Boating and Water Safety Laws Adopted.

State boating and water safety laws as found in Sections 30.50 through 30.71, Wis. Stats., are hereby adopted by reference and made a part of this Code of Ordinances as though set forth in full.

Sec. 12-4-3 Boating/Personal Watercraft on Newton Lakes.

- (a) **Intent and Purpose.** 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 resources. The specific purpose of this Section is to regulate all watercraft upon Big Newton and Little Newton Lakes in the Town of Stephenson, and to prescribe penalties for violation thereof.
- (b) **Applicability and Enforcement.** The provisions of this Section apply to all watercraft on Newton Lakes and may be enforced by persons or agencies authorized by the Stephenson Town Board, including, but not limited to, Water Safety Patrol Unit officers.
- (c) **Definitions.** The following definitions shall be applicable in this Section:
 - (1) **Slow No-Wake.** The speed at which a boat moves as slowly as possible while maintaining steering control.
 - (2) **Personal Watercraft (PWC).** A watercraft that uses an inboard motor powering a water jet pump or caged propeller as its primary source of motive power and is designed to be operated by a person standing on, kneeling or sitting astride the water craft.
 - (3) **Shore Zone.** All surface water within two hundred (200) feet of shoreline or island(s).
- (d) **Rules of Operation on Big Newton and Little Newton Lakes.**
 - (1) **Direction of Operation.** All watercraft, boats and PWC shall travel in a counter clockwise rotation on the lakes.
 - (2) **Speed; Slow No-Wake Operation.**
 - a. Personal watercraft shall not operate at speeds in excess of slow no-wake within two hundred (200) feet from shore and one hundred (100) feet from other boats, rafts, docks, and other personal watercraft. Other watercraft and boats (such as non-PWC) shall not operate at speeds in excess of slow no-wake within one hundred (100) feet from shore and from other boats, rafts, docks or personal watercraft.
 - b. All watercraft, boats and PWC shall be restricted from operating at speeds in excess of slow no-wake within one hundred (100) feet of the area designated for swimming or boat landing; no watercraft are allowed in the swimming area at any time.

- c. All watercraft, boats and PWC shall be operated in a slow no-wake manner within the shore zone.
 - d. Big Newton Lake and Little Newton Lake are designed as slow no-wake operation zones between 6:00 p.m. and 10:00 a.m.
 - e. Personal watercraft may operate above no-wake levels only between the hours of 10:00 a.m. and 2:00 p.m.
 - f. Boats may operate above slow no-wake levels only between the hours of 10:00 a.m. and 6:00 p.m.
 - g. Conventional boats may operate on Newton Lakes in slow no-wake mode at any time.
 - h. Personal watercraft may operate on Newton Lakes in slow no-wake mode at any time except operation of personal watercraft is prohibited between the hours of sunset and sunrise.
- (3) **Water Skiing; Improper Operation.** No person shall operate any watercraft or permit any person to water ski or engage in other similar water activity on waters of Big Newton Lake and Little Newton Lake in such an improper, careless or negligent manner that in any way may endanger the health and safety of persons or property.
- (e) **Notice Requirements.** The Town of Stephenson shall place and maintain a copy of this Section/ordinance at Big Newton Lake and Little Newton Lake public access points.
- (f) **Penalties.** Wisconsin state boating penalties as found in Sec. 30.80, Wis. Stats., and deposits as established by the Wisconsin Judicial Conference, are hereby adopted by reference with all references to fines amended to forfeitures and all references to imprisonment deleted.

Sec. 12-4-4 General Watercraft Regulations on Town Lakes.

- (a) **Intent and Purpose.** The intent of this Section is to provide healthful conditions for the enjoyment of aquatic recreation consistent with public rights and interest, and the capability of the water resource.
- (b) **Applicability and Enforcement.**
- (1) **Applicability.** Except as otherwise provided for Big Newton and Little Newton Lake in Section 12-4-3, the provisions of this Section shall apply to the following waters within the jurisdiction of the Town of Stephenson:
- a. Caldron Falls Flowage.
 - b. High Falls Flowage.
 - c. Johnson Falls Flowage.
 - d. Left Foot Lake.
 - e. Big Newton Lake (except as provided in Section 12-4-3).
 - f. Little Newton Lake (except as provided in Section 12-4-3).

Boating and Watercraft Use **12-4-4**

- g. Sandstone Flowage.
 - h. Thunder Lake.
 - i. Peshtigo River.
- (2) **Enforcement.** The provisions of this Section shall be enforced by Town of Stephenson Water Safety Patrol Unit officers or other persons or agencies authorized by the Stephenson Town Board.
- (3) **State Boating Laws Applicability.** State of Wisconsin laws regulating boating and watercraft are adopted by reference in Section 12-4-2 and are fully applicable to this Section.
- (c) **Definitions.** The following definitions shall be applicable in this Section:
- (1) **Designated Anchorage.** An area of water established and marked as an anchorage by the Town of Stephenson or other lawful authority.
 - (2) **Designated Boat Landing.** Any access specifically marked or signed as a public boat landing.
 - (3) **Navigation Lane.** An area designated by authorized aids to navigation.
 - (4) **Public Access.** Any access to the water by means of public property.
 - (5) **Slow No-Wake.** That speed at which a boat moves as slowly as possible while still maintaining steerage control.
 - (6) **Swimming Zone.** Any authorized area of water established by regulatory markers to designate a swimming area.
 - (7) **Water Skiing.** Towing a person resting upon some device attached to a motorboat or other motorized watercraft.
- (d) **Speed Restrictions; Slow No-Wake Areas.** It shall be unlawful for any operator of any motorboat to drive that boat faster than the slow no-wake speed in any restricted area, designated as follows:
- (1) **Peshtigo River.** No person may operate a motorboat or other motorized watercraft at a speed in excess of slow no-wake speed in that portion of the Peshtigo River downstream from Caldron Falls Dam to the "big rock" as marked by regulatory markers.
 - (2) **Twin Bridge; Shaffer Bridge.** No person may operate a motorboat or other motorized watercraft at a speed in excess of slow no-wake within one hundred (1 **0**) feet of either side of the Twin Bridge or Shaffer Bridge as marked by slow no-wake buoys.
 - (3) **High Falls Flowage; Twin Bridge Park #1.** No person may operate a motorboat or other motorized watercraft at a speed in excess of slow no-wake within one hundred (100) feet of that portion of the High Falls Flowage located at Twin Bridge Park, which is marked with regulatory markers as a **swimming** area.
 - (4) **High Falls Flowage; Twin Bridge Park #2.** No person may operate a motorboat or other motorized watercraft at a speed in excess of slow no-wake in that portion of the High Falls Flowage within one hundred (100) feet of shore in the bays north and south of the Twin Bridge Park swimming area, as marked by regulatory buoys.

- (5) **Caldron Falls Flowage.** No person may operate a motorboat or other motorized watercraft at a speed in excess of slow no-wake in that portion of Caldron Falls Flowage from the mouth of Boat Landing #10 bay, north as marked by regulatory markers.
 - (6) **High Falls Flowage; Meeders Bay.** No person may operate a motorboat or other motorized watercraft at a speed in excess of slow no-wake speed in that portion of High Falls Flowage from the mouth of Meeders Bay easterly as marked by regulatory markers.
 - (7) **Left Foot Lake; Thunder Lake.** No person may operate a motor home or other motorized watercraft at a speed in excess of slow no-wake between the hours of 6:00 p.m. and 10:00 a.m. on Left Foot Lake and Thunder Lake. Motorboat operation, including water skiing and use of personal watercraft in excess of slow no-wake shall only be permitted between the hours of 10:00 a.m. and 6:00 p.m. on Left Foot Lake and Thunder Lake.
 - (8) **High Falls Flowage; Rock Buoy.** No person may operate a motorboat or other motorized watercraft at a speed in excess of slow no-wake on the waters of High Falls Flowage within one hundred (100) feet of said water marked by rock buoys located in Sec. I T32N R18E, six hundred and sixty (660) feet from the east edge of the dam, six hundred seventy-five (675) feet from the far edge dike in the Town of Stephenson.
- (e) **Speed Restrictions: Exceptions**
- (1) As authorized in sec. 30.66(3)(ag)2, Wis. Stats, the Town of Stephenson elects to “opt out” of the “slow no wake” provision as provided in sec. 30.66(3)(ag)1, Wis. Stats. on the waterways within the Town of Stephenson as follows:
 - (a) **High Falls Flowage.** That area of the flowage beginning approximately .2 miles NNE of the County Highway X bridge crossing and continuing for approximately 200 yards NNE, to include both shorelines in this area, commonly known as “The First Narrows”.
- (f) **Boating Prohibited; Dam Areas.** No person may operate a boat or watercraft of any kind within the following stated distances of the respective dam areas as marked by boat excluded regulatory markers:
- (1) **Caldron Falls Dam.** No closer than eighty (80) feet at the greatest distance.
 - (2) **High Falls Dam.** No closer than one hundred thirty (130) feet at the greatest distance.
 - (3) **Johnson Falls Dam.** No closer than one hundred (100) feet at the greatest distance.
 - (4) **Sandstone Dam.** No closer than one hundred fifty (150) feet at the greatest distance.
- (g) **Motorboat Prohibition Areas.**
- (1) **Meeders Bay Swim Area - High Falls Flowage.** No person shall operate a motorboat, as defined in Sec. 30.50(6), Wis. Stats., on the waters of Meeders Bay in High Falls Flowage within the area of said waters and marked "Swim Area" with regulatory waterway marker buoys. This swim area is located in the NW 1/4 of Sec. 31, T33N R19E in the Town of Stephenson.
 - (2) **Little Newton Lake Swim Area.** No person shall operate a motorboat, as defined in Sec. 30.50(6), Wis. Stats., on the water of Little Newton Lake within the area of said waters and marked "Swim Area" with regulatory waterway marker buoys. This swim area is located in the SE 1/4 of Sec. 4, T33N R19E in the Town of Stephenson. North buoy location: One hundred twenty (120) feet east off shore, next to north edge of oak tree line, one hundred fifty (150) feet between buoys from north to south in the Town of Stephenson.
- (h) **Boating Restricted Areas; Water Skiing Pick-Up/Drop Areas.**
- (1) **High Falls Flowage - Twin Bridge Ski Club Lease Area.**
 - a. A water ski pick-up and drop area is hereby established pursuant to Section 30.69(3), Wis. Stats., in that portion of the High Falls Flowage adjacent to the dock or docks located at the Twin Bridge Ski Club lease area of the High Falls

Town Park. The ski pick-up/drop area shall be defined as an area no more than one hundred (100) feet from the location of the Twin Bridge Ski Club dock or docks that the regulatory marker is affixed.

- b. The ski pick-up/drop area hereby established shall only be in effect when an appropriate regulatory marker is affixed to the dock or docks located at the Twin Bridge Ski Club lease area of the High Falls Town Park. A regulatory marker shall be an appropriately sized sign that is white in color with three (3") inch black letters and a three (3 ") inch orange border around the perimeter of the sign. The sign shall state "Ski Pick-Up/Drop Area".
- c. The ski pick-up/drop area shall only be in effect during official Twin Bridge Ski Club practices and performances, and shall only be utilized by members of the Twin Bridge Ski Club. No other person, firm or organization shall be authorized to utilize "Ski Pick-Up/Drop Area" regulatory markers or operate within one hundred (100) feet of the dock or docks at a speed in excess of slow no-wake.
- d. The Twin Bridge Ski Club shall provide the Stephenson Town Board with a schedule of practices and performances for each year, filed with the Town prior to utilization of the dock or docks for ski purposes. The schedule of practices and performances may be amended with notification to the Stephenson Town Board.

(2) High Falls Flowage - Twin Bridge Ski Club Jump Area. A water ski pick-up and drop area is hereby established pursuant to Section 30.69(3), Wis. Stats., in that portion of the High Falls Flowage located adjacent to the High Falls Town Park, marked with regulatory markers and described as follows:

One hundred (100) feet around the permitted location of the ski jump (reference Permit 3-LM-91-426), which lies southwest of Meeder's Bay in front of that area of High Falls Town Park and is leased by the Twin Bridge Ski Team from the Town of Stephenson.

- (i) **Additional Motorboat Traffic Rules.** All motorboats in continuous motion shall operate in a counterclockwise direction between the hours of 10:00 a.m. and 6:00 p.m. on Left Foot Lake, Big Newton Lake, Little Newton Lake and Thunder Lake.