

## CHAPTER 14

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### PARKS

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#### **14.01 Purpose.**

The purpose of this Ordinance is to enhance the use and enjoyment of the County Parks by establishing rules and regulations to govern the conduct of visitors to County Parks and provide for the protection of the Parks' natural resources.

#### **14.02 General Terms and Administrative Policies.**

- (1) Definitions. For the purposes of this Ordinance, the following terms apply:
  - (a) Park. The terms "park", "County Park", "Manitowoc County Park", "public access", and "access" are defined to mean all lands and water heretofore and hereafter acquired by the County for lake access, park, or recreational purposes, and placed under the jurisdiction of the Park Commission; and include, without limitation, parks, beaches, and privately owned lands, the use of which has been granted to the County for park, recreational, or like public purposes.
  - (b) Park Commission. The term "Commission" and "Park Commission" shall mean the Manitowoc County Planning and Park Commission.
  - (c) Person. The term "person" shall include any individual, firm, partnership, corporation, and association of persons, and the singular number shall include the plural.
- (2) Scope. Except when the context provides otherwise, the provisions of this Ordinance shall apply to all lands, structures, and property owned, leased, or administered by Manitowoc County, Wisconsin, and under the management, supervision, and control of the Manitowoc County Planning and Park Commission.

- (3) Closing Hours and Dates.
  - (a) Closing Hours.
    - 1. It shall be unlawful for any person to enter or be in the County Park from dusk until dawn unless authorized in writing by the Park Supervisor.
    - 2. Persons transporting watercraft to and from designated boat landings are permitted at any hour.
  - (b) Closing Dates. It shall be unlawful for any vehicle to enter or be in any of the County Parks except as provided herein between the dates of November 1 and March 31.
- (4) Fees. The Park Commission, with approval of the County Board of Supervisors, may establish reasonable fees for the use of the Manitowoc County Parks. The fees to be imposed shall be prominently posted on the park premises to provide notice to the public.
- (5) Additional Rules, Permits, and Exceptions.
  - (a) Additional Rules. Rules and regulations may be made from time to time by the Commission governing the further use and enjoyment of parks, parkways, playgrounds, beaches, boat landings, campgrounds, lakes, streams, public accesses, and the facilities thereof. Any person who shall violate such rules or regulations, or who refuses to subject himself thereto, may be excluded from the use of such facility.
  - (b) Permits.
    - 1. Any person to whom a permit shall have been issued by the Park Commission or its staff shall be bound by the provisions of all ordinances of Manitowoc County as fully as though the same were inserted in each permit.
    - 2. Any person to whom such permit has been granted shall be liable for any loss, damage, or injury sustained by the Park Commission as a result of negligence of the person to whom such permit has been granted, or their servants or agents.
  - (c) Exceptions. Nothing in this Code shall prohibit or hinder the Manitowoc County Planning and Park Commission or its staff, or other duly authorized agents, or any peace officers from performing their official duties.

- (d) Police Ordinances. The provisions of Chapter 6, "Police Ordinances" of the County Code of Ordinances are hereby incorporated by reference and made applicable to activities in the County Parks.

#### **14.03 Public Meetings and Sales.**

- (1) Public Meetings.
  - (a) Any person desiring to hold a public meeting of any kind whatsoever in any park shall first obtain a permit from the Commission or its duly authorized agent. The permit must be applied for not less than forty-eight (48) hours prior to the scheduled event.
  - (b) Permits will be granted for the purpose of holding any lawful public assembly in accordance with regulations governing the reasonable use of parks.
- (2) Peddling and Soliciting. It shall be unlawful for any person to peddle or solicit business of any nature whatever; to distribute handbills or other advertising matter; to post unauthorized signs or decorative matter on any lands, structures, or property in any County Park; or to use such lands, structures, or property as a base of commercial operations for soliciting or conducting business, peddling, or providing services within or outside of such lands, structures or property unless first authorized in writing by the Manitowoc County Planning and Park Commission or its duly authorized agent.
- (3) Concessions. No person shall solicit, transact, or conduct any business of any nature in or upon said parks without first having obtained the written consent of the Park Commission.

#### **14.04 Personal Conduct and Nuisances.**

- (1) Personal Conduct.
  - (a) It shall be unlawful for any person to engage in any violent, abusive, loud, boisterous, vulgar, lewd, wanton, obscene, indecent, profane, or otherwise disorderly conduct tending to annoy, disturb, or provoke others thus creating a breach of the peace, or to be so intoxicated that he is unable to care for his own safety, within the boundaries of any County Park.
  - (b) It shall be unlawful for any person to interfere with or in any manner, hinder any employee of the Park Commission, or any employee of a contractor while engaged in the care, construction, or repair of the parks.

- (2) Property of Others. It shall be unlawful for any person to destroy, disturb, molest, or remove the property or personal effects of others. Whoever intentionally causes damage to any physical property of another without the person's consent may be penalized as provided herein. Where more than one item of property is damaged pursuant to a single intent and design, the damage to all the property may be prosecuted as a single offense. In any case of damage involving more than one act of criminal damage but prosecuted as a single offense, it is sufficient to allege generally criminal damage to property committed between certain dates. On the trial, evidence may be given of any such damage committed on or between the dates alleged.
- (3) Unnecessary Noises. It shall be unlawful for any person to operate sound trucks, loud speakers, musical instruments, radios, T.V.'s, record and tape equipment, sound speaker systems, amplifiers of sound equipment, or any other electrical devices that produce undue or unnecessary noises without first obtaining a written permit from the Commission or its duly authorized agent.
- (4) Expulsion. The County Sheriff, his deputies, or any peace officers, or other duly authorized agents may expel any person or persons from lands under the management, supervision, and control of the Commission for violation of any State or County law, administrative rule, or posted rules and regulations.
- (5) Nuisance. Any building, vehicle, tent, fish shanty, or similar shelter left remaining in a County Park or on the ice or water adjacent to a County Park is a public nuisance. The County may seize all such nuisances where upon the owner must be notified if the owner's name and address is posted on the shelter. If, after the expiration of ten (10) days after notice is given by letter or by posting on the shelter, the owner does not claim such nuisance, the County may destroy or sell the same in the name of the County. The County and its employees, shall be exempt from all liability to the owner for such seizure, destruction, or sale.

#### **14.05 Destruction, Entry, Cleaning, and Refuse.**

- (1) Destruction and Entry.
  - (a) Destruction, Defacement, or Removal. It shall be unlawful for any person to disturb, molest, deface, remove, or destroy any trees, shrubs, plants, or other natural growth; to carve or paint on any rocks, archaeological or geological features, signs, walls, or structures; to drive nails in trees; or to move, injure, or deface, in any manner, any structures, including buildings, signs, fences, tables, or other County property. The picking of edible fruits, mushrooms, or nuts is permitted upon issuance of a special permit from the Commission or its authorized agent.

- (b) Entry and Manipulation. It shall be unlawful for any person to enter, in any way, any building, installation, or area that may be under construction or locked or closed to public use; or to molest or manipulate any water control structure; or to enter or be upon any building, installation, or area after the posted closing time or before the posted opening time, or contrary to posted notice, in any park.
- (2) Cleaning and Refuse.
- (a) Washing. The washing of cars, persons, cooking utensils, or clothing is prohibited in all of the lakes and streams; or on any picnic grounds, playgrounds, recreation areas, boat landings, parking lots, or road- ways; in any County Park.
  - (b) Fish and Game Cleaning. It shall be unlawful for any person to clean, butcher, scale, or skin any fish, game, livestock, or poultry in any County Park, except at designated fish-cleaning tables provided for such purposes. Refuse from the result of such cleaning must be suitably wrapped or packaged and deposited in the refuse containers provided for that purpose.
  - (c) Refuse.
    - 1. It shall be unlawful for any person to discard or leave any refuse such as garbage, sewage, trash, or other waste material in any manner except by placing in receptacles provided for such purposes, or to dump any such refuse in any County Park. The throwing of garbage, sewage, trash, or other waste material in or on the ice of any of the lakes, or streams or along roads in any County Park is prohibited.
    - 2. No person may dispose of any waste material in any waste disposal or other location in the park if such refuse or material is generated from a permanent or seasonal residence or a business or other commercial operation.
    - 3. Charcoal residue must be left in a grate or fireplace until cool, and placed in receptacles provided for such purposes.

#### **14.06 Vehicles.**

- (1) Vehicular Traffic.
  - (a) No person shall operate any vehicle at a speed in excess of fifteen (15) miles per hour or contrary to official traffic signs in any County Park.
  - (b) No person shall operate any vehicle in any County Park in a reckless manner.

- (c) It shall be unlawful to operate or park any motor vehicle upon any hiking trail, beach area, playground, picnic area, or any area other than established roads, parking areas, boat ramps, and service areas, or contrary to posted notice.
  - (d) It shall be unlawful for any person to operate any motor driven sled, snowmobile, motorcycle, mini-bike, all-terrain vehicles, or other sport vehicles in any County Park except on designated roads and trails, or except upon receiving the written permission of the Commission or its authorized agent.
- (2) Parking.
- (a) No person shall park, stop, or leave standing, whether attended or unattended, any vehicle, obstruction, or watercraft, in any manner so as to block, obstruct, or limit the use of any road, trail, parking lot, boat landing, or waterway.
  - (b) It shall be unlawful for any person to leave unattended for more than twenty-four (24) hours any automobile, truck, trailer, bus, motorcycle, boat, trailer, camper, mobile home, or other similar equipment without first obtaining a written permit from the Manitowoc County Planning and Park Commission and the aforesaid vehicles shall not be parked outside of, or left in any area other than properly designated areas for the parking or use of such equipment.
  - (c) Persons to whom a citation has been issued for violating this section of the County Parks Ordinance may enter into a stipulation of guilt or nolo contendere with Manitowoc County by posting a sum of three dollars (\$3.00) with the Manitowoc County Sheriff's Department within forty-eight (48) hours after the issuance of the citation. Violators of this section who do not timely post said sum as a forfeiture, shall be punished as provided for in MCC § 14.11(2).
- (3) Removal of Vehicles. Any vehicle or watercraft in violation of MCC § 14.06(1) or (2) may be towed from the park and stored at the owner's expense.

#### **14.07 Fires, Fireworks, Firearms.**

- (1) Fires.
  - (a) It shall be unlawful for any person to start, tend, or maintain any fire, or to burn any refuse, except at designated fireplaces within any County Park except that:

1. Fires for cooking or heating may be made in portable stoves, heaters, or grills at designated campgrounds and picnic areas, or
  2. Campfires are permitted at designated campsites.
- (b) It shall be unlawful for any person to leave any fire unattended, or to throw away any matches, cigarettes, cigars, or pipe ashes or any embers without first extinguishing them, or to abandon any fire, or to start, tend, or use in any manner, any fire contrary to posted notice in any County Park.
- (2) Fireworks. It shall be unlawful for any person to possess, fire, discharge, explode, or set off any explosives or pyrotechnic device containing powder, or any other combustible or explosive material as is explained under Wis. Stat. § 167.10. Nothing herein contained shall prohibit the exhibition of fireworks given under the direction or by the written permission of the Commission or its duly authorized agent.
  - (3) Firearms. It is unlawful for any person to carry, use, or have in his or her possession or under his or her control, a firearm while in a county park if such carriage, use, possession, or control is prohibited by the Wisconsin Statutes.
  - (4) It is unlawful for any person to catch, hunt, kill, take, trap, pursue, or otherwise disturb any wild animal or bird in any county park or other area under the supervision and control of the Commission.

#### **14.08 Animals.**

- (1) (a) It is unlawful for the owner or person having custody of any animal to allow the animal to be in a county park unless the animal is under control and on a leash. No leash shall be longer than 8 feet in length.
  - (b) It is unlawful for the owner or person having custody of any animal to permit the animal to defecate in a county park unless the owner or person immediately collects the feces, removes it from the county park, and properly disposes of it. Law enforcement personnel acting in an official capacity and persons with a disability who use service animals are exempt from this requirement.
- (2) Guide Dogs. Nothing in this Section shall prohibit the use of a guide dog by the blind or other handicapped person who requires a guide dog.
  - (3) Hunting and Trapping. It shall be unlawful for any person to take, catch, kill, hunt, trap, pursue, or otherwise disturb any wild animals or birds in any County Park.
  - (4) Horses. No person may ride, lead, or cause a horse to be in any County Park except on specifically designated and posted areas or bridle paths, or by special permit.

Further, no person may ride a horse in a careless, negligent, or reckless manner so as to endanger the life, property or persons of others on any lands under the management, supervision, and/or control of the Commission.

#### **14.09 Athletics and Beaches.**

- (1) Athletics. It shall be unlawful for any person to play golf or archery upon or within any County Park except upon archery ranges or golf links established or posted by the Commission.
- (2) Swimming. Swimming, wading, and/or bathing is prohibited in or adjacent to all County Parks or public accesses.

#### **14.10 Camping.**

- (1) Definitions. For purposes of this Ordinance, the following definitions apply:
  - (a) “Camping” or “Camp” means the use of a shelter such as a tent, trailer, motor vehicle, tarpaulin, bed-roll, or sleeping bag for temporary residence or sleeping purposes.
  - (b) “Large Group” means a group of persons consisting of members of an established organization under the leadership of an appropriate number of adults who may use or occupy a large group campground.
  - (c) “Large Group Campground” means a campground designated for use by organizational groups with no more than fifty (50) in a group allowed in any park at any time. The capacity shall be determined by the Commission based upon the sanitary facilities available, the capacity of the land itself, and what is deemed desirable so that other recreational activities could occur in the park at the same time.
  - (d) “Canoe Campground” means a campground along a waterway for use by persons traveling by water. Use of such a designated campground requires obtaining special permission from the Commission or its authorized agent. The Commission may adopt additional rules to regulate the use of a canoe campground. The Commission shall determine the capacity of a canoe campground based on the same criteria used in Subsection (c) hereto.
  - (e) “Campsite” means a segment of a campground which is designated for camping use by a camping unit or camping party.
  - (f) “Camping Party” means any individual, family, or individual group occupying a campsite.



- (g) “Camping Unit” means a single shelter except sleeping bags and hammocks used for a camp by a camping party and except those used exclusively for dining purposes.
  - (h) “Individual Group” means a camping party of not more than five (5) unrelated persons occupying a campsite.
- (2) Camping Regulations.
- (a) Camping Prohibited. It shall be unlawful for any person to sleep, camp, or lodge in any park, except in such places as designated for such purposes, and then only subject to the rules and regulations of the Planning and Park Commission governing the use of such areas.
  - (b) Designated Campgrounds.
    - 1. The campgrounds in Cherney Maribel Caves Park are designated as a “Large Group Campground.”
    - 2. The open area below the ridge and adjacent to the river in Lower Cato Falls Park is designated as a “Canoe Campground” and subject to the definitions and regulations specified herein.
  - (c) Campground Additions and Modifications. The Commission may designate additional family, large group, primitive or canoe campgrounds at any time it feels such camping becomes consistent with the general purposes and intent of a park or the Commission may remove such designations any time they feel such camping becomes inconsistent with the general purposes and intent of a park. Notices of any modifications shall be posted in the affected park.
  - (d) Camping (Length of Stay). It shall be unlawful for any person to camp and for any camping unit to remain in a designated campground for a period greater than the time specified by the Commission or its agent in the letter of authorization.
  - (e) Unoccupied Camping Unit. It shall be unlawful for any camping unit to be left unoccupied for a period greater than twenty-four (24) hours. Should the camping unit be left unoccupied for the aforesaid time, the County Sheriff’s Department may seize and hold the camping unit subject to the order of the court or judge, located in Manitowoc County. Should the owner of said camping unit fail to claim the same within twenty (20) days after judgment of confiscation, it may be sold at the highest available price.
  - (f) Campsite Changes. No registered camping party shall move from its assigned campsite to another campsite in a designated campground without prior approval.

- (g) Campsite Entry Hours. No camping party shall start setting up or taking down its camping unit between the hours of 11:00 P.M. and the following 6:00 A.M.
- (h) Campsite Parking. It shall be unlawful to park any motor vehicle outside the parking area designated at each campsite and not more than two (2) motor vehicles are permitted to any one campsite.
- (i) Campsite Reservations. Reservations will not be accepted for campsites in any County camp or picnic grounds, or other County Park recreation areas, or established campground except that organized groups may be given reservations for use of campgrounds.
- (j) Camping Group Membership. It shall be unlawful for any person to obtain a camping permit for use by a camping party of which he is not a member, except that parents and group leaders may obtain camping permits for use by juvenile groups.
- (k) Camping Prohibitions (Posted Notice). It shall be unlawful for any person to camp on any lands under the supervision and control of the Commission which is contrary to posted notice.
- (l) Camping Violations. Violation of any State law or any rules of the Manitowoc County Planning and Park Commission by a member of a camping party is cause for revocation of the camping permit and the Commission or its staff, or the County Sheriff's Office may order the campers to leave the park.
- (m) Juveniles. If the group includes juveniles, there must be adequate adult supervision.
- (n) Large Group Permits. Special permission to use a large group campground must be obtained from the Commission or its authorized agent.

#### **14.11 Legal Action.**

- (1) Civil Action. Whenever an arrest shall have been made or any violation shall occur, the District Attorney or Corporation Counsel shall prosecute as provided by law.
- (2) Penalties.
  - (a) Any person who violates any provision of this Chapter shall, upon conviction thereof, forfeit not less than fifteen dollars (\$15.00) nor more than two hundred fifty dollars (\$250.00) and the costs of prosecution, and in default

of payment of such forfeiture and costs shall be imprisoned in the County Jail until payment thereof but not exceeding thirty (30) days.

- (b) Notwithstanding sub. (a) above, the forfeiture for a violation of the parking provisions of this Chapter shall be \$25 per violation.
- (c) If a child aged sixteen (16) or older fails to pay the forfeiture imposed by the Court of civil jurisdiction, the Court may suspend any license issued Wis. Stat. Ch. 29 for not less than thirty (30) days, nor more than ninety (90) days, or suspend the child's operating privileges as defined in Wis. Stat. § 340.01(40), for not less than thirty (30) days, nor more than ninety (90) days.
- (d) Further, these Ordinances may be enforced by injunction.

#### **HISTORY**

11/15/1988: Codified by Ord. No. 88/89-117.

01/21/2003: Sec. 14.08(1) amended by Ord. No. 2002/2003-119 effective January 30, 2003.

08/16/2005: Secs. 14.02 (3)(b) and 14.11(2)(b) amended by Ord. No. 2005/2006-76 effective August 25, 2005.

10/18/2011: Sec. 14.07(3) amended by Ord. No. 2011/2012-61 effective October 24, 2011.

9/23/2014: Sec. 14.07(3) amended and sec. 14.07(4) created by Ord. No. 2014/2015-36 effective October 3, 2014.

03-03-2017: Typographical corrections made to Table of Contents.