

Chapter 347

PARKS AND RECREATION

[HISTORY: Adopted by the Town Board of the Town of La Pointe as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

Joni's Beach and Town Dock

[Adopted 4-12-2011 by Ord. No. 2011-01]

§ 347-1. Applicability.

- A. The park known as "Joni's Beach" shall include those lands and any harbor-related improvements located within Parcel Nos. 014004500000 and 014004470100 located at 677 Main Street and extending into the waters of Lake Superior.
- B. This article shall apply to both the Town Dock and Joni's Beach.

§ 347-2. Purpose.

It is the purpose of this article to enact provisions regulating activities at the park known as "Joni's Beach" and the Town Dock in order to provide for the proper use and enjoyment of the park, beach, and dock by their users and for their safety and protection.

§ 347-3. Definitions.

"Overnight docking" is defined as docking 24 hours or more and is not allowed except in an emergency situation. The word "boat" wherever it appears is to be construed as including all watercraft.

§ 347-4. Regulated activities.

- A. Boats. All boats must be seaworthy and registered with the Wisconsin Department of Natural Resources.
- B. Docking. No overnight docking is permitted at either the Town Dock or the park known as "Joni's Beach" except for those businesses which have contracted with the Town to do so, namely Madeline Island Ferry Line, Nelson Construction and C.A. Nelson and Son, LLC. No person may dock a boat so as to prevent another boat from leaving the dock.
- C. Camping. It shall be unlawful for any person to camp, to maintain a campsite or to use camping equipment or to camp or stay in any car, truck or boat in or out of the water or docked overnight in the park known as "Joni's Beach" or at the Town Dock. Sleeping overnight in any area of the park or dock is not permitted.
- D. Picnicking and grilling. Picnics are permitted at the pavilion and picnic tables at Joni's

Beach. Grill cooking is permitted at established grills at Joni's Beach. No open fires are permitted at either Joni's Beach or the Town Dock.

- E. Fishing. Fishing from the dock is permitted.
- F. Swimming. Swimming is permitted at both locations. No lifeguard is on duty.
- G. Launching. Boat launching is permitted at Joni's Beach; however, a car and trailer with or without a boat may not be left unattended in the launch area. All boats must be seaworthy and registered with the United States Coast Guard.
- H. Pets. Pets are permitted at Joni's Beach, but they must be restrained and any pet feces deposited on the beach or on mowed or paved area must be picked up and disposed of properly.
- I. Commercial activities. No commercial or business activities may be conducted at the park known as "Joni's Beach" or on the Town dock or in the waters adjacent except for those businesses which have contracted with the Town for the purpose, namely Madeline Island Ferry Line, Nelson Construction and C.A. Nelson and Son, LLC.
- J. Parking and trailer parking. Parking at Joni's Beach is restricted to designated (painted) spaces only and trailer parking is restricted to the space immediately adjacent to the Joni's Beach driveway on the south side. No overnight parking of a vehicle with or without a trailer (with or without a boat) is allowed.
- K. Boat repair. No nonemergency boat repair is permitted at either dock at any time.
- L. Docking for severe weather conditions or other emergencies is permitted, but only for the period that the emergency exists.

§ 347-5. Prohibited acts.

- A. It shall be a violation of this article to:
 - (1) Navigate, direct or handle any watercraft, whether motorized or not, in a manner as to endanger the general public or to damage another boat.
 - (2) Park or dock a boat, vehicle or trailer or otherwise use the Joni's Beach launching ramp in a manner which will prevent other persons from using the launching ramp, or in a manner which will cause unreasonable delay or inconvenience to other persons using the launching ramp.
 - (3) Park, dock, stand, obstruct and/or leave unattended in violation of the signs regulating parking and docking and other activities.
 - (4) Park or dock overnight a car, a car and trailer with or without a boat, or a trailer with or without a boat or a boat.
 - (5) Allow or permit an unrestrained pet in the mowed or paved area, or on the dock, or on the beach or in the adjacent water.
 - (6) Fail to remove pet feces left anywhere in the mowed or paved area, or on the dock, or on the beach or in the adjacent water.

- B. No person shall dock, park or beach a boat anywhere in the Town of La Pointe if that docking, parking or beaching will have the effect of blocking or obstructing any public access to Lake Superior or any public access to water connecting to Lake Superior.
- C. No person shall dock, park, moor, tie or otherwise beach or fasten a boat, barge or floating marine device of any description to any part of the breakwall south of the Town Dock with the following exceptions only: [Added 5-22-2012]
 - (1) Temporary and emergency situations to prevent imminent harm to either property or human life;
 - (2) A very temporary use of the breakwall related to the Fourth of July fireworks display;
or
 - (3) Use of the breakwall by Town workers for maintenance purposes only.

§ 347-6. Enforcement.

- A. This article may be enforced by the issuance of a citation to any violator of it by any Town of La Pointe law enforcement officer, any Sheriff or Deputy Sheriff of Ashland County, or by any state officer with police powers. The owner and/or operator of any violating boat shall be jointly and severally liable for any violation of this article.
- B. Adoption of this article does not preclude the Town Board from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matter, and issuance of a citation hereunder shall not preclude the Town or county or any authorized officer from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order.
- C. If a boat is docked or abandoned at the dock for 24 hours or more, or if this article is otherwise being violated, Town police are authorized to remove the boat to the marina or other suitable location at their discretion. The violator will be responsible for costs of moving and storing the boat in addition to any other applicable penalty.

§ 347-7. Violations and penalties.

Any person found guilty of violating this article, or any part thereof, shall be subject to a forfeiture of not less than \$50 nor more than \$500, together with the costs of prosecution, and in default of payment of such forfeiture and cost of prosecution shall be imprisoned in the county jail until said forfeiture is paid, but not exceeding 60 days. Each calendar day or part of a new calendar day shall be a separate violation. In addition to the above forfeiture the violator will be responsible for any charges incurred by the Town for the towing or storage of boats in violation of this article.

ARTICLE II
Use of Town Facilities
[Adopted 12-13-2011 by Ord. No. 2011-02]

§ 347-8. Intent.

The intent of this article is to coordinate the utilization of Town-owned parks and park facilities

while preserving the quality of the parks and facilities for the enjoyment of the public and further to communicate with the Town and community any planned extraordinary occurrence on the public right-of-way or public premises.

§ 347-9. Reservation permits; application fees.

- A. Reservation permits. Any group wishing to schedule use of any park or recreation facility or portion thereof for exclusive use by the group shall comply with this section. This does not include picnics, family gatherings, spontaneous recreational events or other gatherings which do not request exclusive use of the facility or a portion thereof. The utilization of the parks and facilities for nonscheduled and nonexclusive events (other than the recreation center) is on a first-come-first-served basis. Ongoing recreational events, including but not limited to organized softball leagues, soccer leagues, little league and others, are required to obtain a permit for the purpose of scheduling and are otherwise exempt from applicable deposits or fees.
- B. Application fees. Each application under this section may be accompanied by a fee determined by a fee schedule adopted by the Town Board.

§ 347-10. Private use of Town facilities and grounds.

Individuals and nonprofit organizations may use Town facilities (parks) and/or grounds for private use in compliance with the following conditions:

- A. A private use permit is obtained for nonprofit organizations and individuals wishing exclusive access to a park, grounds, shelter or facility owned and operated by the Town.
- B. Private users must obtain a permit from the Town and abide by all terms indicated in permitted use. The private use agreement shall include indemnification of the Town and may require insurance.
- C. Admission fees. No admission fee, donation contribution or other charge shall be made or permitted to be made or collected by the person/organization for admission to any park or recreational facility without indicating such in the permit application, and the permit is subject to denial or revocation by the Town Clerk should the admission prohibit the community's access to the general use of the park or facilities not reserved for the event.
- D. Fund-raising. No fund-raising or other forms of remuneration shall take place on Town grounds without a permit for use granted to a nonprofit organization which is in good standing with the State of Wisconsin and is described in Section 501(c)(3) of the Internal Revenue Code and is exempt from taxation under Section 501(a) of the Internal Revenue Code. The person applying for this permit shall be a member of the governing body or be acting as a sanctioned agent of the organization.
- E. No commercial uses are allowed unless conducted for the benefit of a nonprofit entity and that entity is a permitted user.
- F. The person representing the permit accepts responsibility related to all terms and conditions of use and will be on the premises at all times during the scheduled event.
- G. Facilities and grounds available for private use are Town parks, shelters, recreation center,

ball diamond and grounds within the park identified in the permit application.

- H. Town functions take priority over private use.
- I. Reservations for private use shall be made through the application for the use permit and are scheduled on a first-come-first-served basis. The reservation will not be confirmed or approved without receipt of deposits and/or fees. The reservation is confirmed by receipt of the permit.
- J. Applicable fees and deposit amounts required are established by the Town Board.
- K. In addition to the deposit which could be utilized to offset costs to the Town, the private user shall reimburse the Town for any costs related to repair or cleaning which exceed the deposit within 30 days of being invoiced by the Town. These charges can also include police or security needs or grounds keeping in excess of routine Town personnel scheduling.
- L. The Town is held harmless against theft, loss, or damage of properties of the private user or participants.
- M. Activities within the parks and grounds are subject to all rules, regulations and ordinances.
- N. A separate permit is required for the sale of fermented or carbonated beverages. This permit is referred to as a "picnic permit" and is subject to approval of the Town Board.

§ 347-11. Permit process.

- A. Permit. A permit shall be obtained from the Town Clerk or designee in order to utilize the desired facility and/or grounds.
 - (1) Application. A person seeking the issuance of a permit hereunder shall file an application with the Town Clerk. The application will include:
 - (a) The name and address of the applicant;
 - (b) The name and address of the corporation, agency or association sponsoring the event;
 - (c) The date and hours of the event;
 - (d) The facility, grounds, park or portion thereof desired for the event; and
 - (e) Any other information to aid in the permit process.
 - (2) Fees.
 - (a) Each application will be submitted with required fees and deposits prior to consideration of the permit process.
 - (b) Deposit exemption. Events not requiring a deposit for the exclusive use of a Town park or related facility are: ongoing recreational events scheduled for the recreational enhancement of the community, e.g., softball league(s) and for teams within the league, organized soccer, little league or other recreational component open to the participation of the community, and are at the discretion

of the Town Board. These events take priority over private use. Coordinators of these community recreation events are to clarify schedules with the Town at the earliest convenience.

- (3) Standards for issuance. The Town Clerk shall issue a permit in consideration of the following:
 - (a) The proposed activity will not interfere with or unreasonably detract from the general public enjoyment of the park or promotion of public health, welfare, safety and recreation;
 - (b) The activity or proposed usage is not reasonably anticipated to incite disorderly conduct;
 - (c) The activity will not entail unusual or extraordinary expense to the Town; and
 - (d) The facilities requested are available on the date of request.
- (4) Issuance. The Town Clerk or designee shall issue or deny the permit within five business days of receiving the application. Denials will be clarified in writing and state the reasons for such.
- (5) Appeal. The applicant may appeal the denial of a permit through the Town Board.
- (6) Liability. The person or agency identified on the permit assumes any and all liability related to the permitted event.
- (7) Revocation. A permit may be revoked by the Town Board or designee given violation of any rules, regulations or ordinance, or upon good and reasonable cause.
- (8) Cancellations. A cancellation of the event will result in the refund of the deposit unless the Town has incurred costs related to preparation for the event. In such case the deposit or a portion thereof will be utilized to cover such costs. Should there be an applicable fee in this permit process, that fee shall be forfeited but may be applicable for rescheduling the event.

§ 347-12. Special events.

- A. Definition. A special event is any planned event occurring on the public right-of-way or public premises, including but not limited to parades, processions, pageants, bicycle or foot races, festivals and marches.
- B. Application. No person, agency or organization may hold a special event as defined in Subsection A above without obtaining a special event permit. Vendors or merchants participating within the context of the special event specifically on the permitted premises may be required to submit a copy of their current Wisconsin seller's permit. Applications shall include:
 - (1)
 - (a) Mapped routes (if any);
 - (b) Public rights-of-way and public premises proposed for usage during the event;

- (c) Description of the event and proposed activities; and
 - (d) The sponsor or sponsors of the event, including coordinator or contact person responsible for the event.
- (2) Special events may also require a reservation or private use permit if the event proposes to utilize a portion of parks, grounds or facilities.
- C. Issuance. The permit for a special event is issued by the Town Board in consultation and coordination with all pertinent departments of the Town.
- D. Deposits. A deposit may be required to assure cleanup following the special event.
- E. Fees. Following acceptance of the application a fee may be determined relative to anticipated additional cost incurred by the Town.
 - (1) All fees and deposits are due at the issuance of the special event permit.
 - (2) Exemptions. A permit fee is not required for:
 - (a) Special events sponsored by the Town or otherwise exempted by the Town Board;
 - (b) Special events sponsored by veterans' organizations; and
 - (c) School and civic-oriented events.
 - (3) Refunds. Refunds of permit fees and deposits will be made to the applicant should the event be cancelled 10 days prior to the event.
 - (4) Deposits or balance of the deposit shall be refunded within five days of the conclusion of the event. Should costs to the Town following the event exceed that of the deposit the applicant will pay the Town the additional costs within 30 days of receiving invoice.
- F. Liability. The liability related to the event and associated sponsored activities are the sole responsibility of the individual, group, organization or agency permitted for the event.
- G. Efforts shall be made by the permitted person or sponsor(s) of the event not to prohibit traffic from business in the area of the event. It is expected that the applicant will act in good faith with the business community and any residential areas possibly affected by the event.