

# TITLE 12

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## **Parks and Navigable Waters**

<b>Chapter 1</b>	Regulation of Parks and Navigable Waters
<b>Chapter 2</b>	Bulkhead Lines
<b>Chapter 3</b>	Establishing No Wake Zone

# Title 12 - Chapter 1

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## Regulation of Parks and Navigable Waters

12-1-1	Park Regulations
12-1-2	Radio-Controlled Model Airplanes Prohibited in Parks
12-1-3	Use of Metal Detectors on Public Property
12-1-4	Public Utilities and Private Construction
12-1-5	Fees and User Regulations

### Sec. 12-1-1 Park Regulations.

- (a) **Purpose and Definition.** In order to protect the parks, parkways, recreational facilities and public conservancy areas within the Town of Oshkosh 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, public boat landings, public lake accesses, recreation facility or conservancy district in the Town of Oshkosh.
- (b) **Specific Regulations.**
- (1) **Littering Prohibited.** No person shall litter, dump or deposit any rubbish, refuse, earth or other material in any park, except by placing such material in receptacles provided for such purpose.
  - (2) **Sound Devices.** No person shall operate or play any amplifying system unless specific authority is first obtained from the Town Board, or its authorized designee.
  - (3) **Pets.** No person shall permit any dog, cat or other pet owned by him to run at large in any park or to allow pets to enter any public buildings, bathing beaches, picnic grounds or playgrounds within any park. Dogs shall, at all times, be restrained on a leash or have appropriate obedience training.
  - (4) **Bill Posting.** No person shall post, paste, fasten, paint or attach any placard, bill, notice, sign or advertising matter upon any structure, tree or other natural object in any park, except park regulations and other signs authorized by the Town Board.
  - (5) **Trapping.** No person shall trap in any Town park unless specific written authority is first obtained from the Town Board.
  - (6) **Making of Fires.** No person shall start, tend or maintain a fire except in personal grills or designated fireplaces. Personal grills shall be used only in designated picnic areas. The use of personal grills is permitted provided lawns and vegetation are not

- endangered. Unburned fuel and ashes shall be disposed of in such a manner as to prevent fire or damage to any park property.
- (7) **Protection of Park Property.** No person shall kill, injure or disturb or attempt to injure or disturb waterfowl, birds or animals, wild or domestic, within any park. No person shall climb any tree or remove flowers or fruit, wild or cultivated, or break, cut down, trample upon, remove or in any manner injure, deface, write upon or ill use any tree, shrub, flower, flower bed, turf, soil, sand, fountain, ornament, building, structure, apparatus, bench, table, official notice, sign or other property within any park.
  - (8) **Motorized Vehicles.** No person shall operate an unlicensed or licensed motorized vehicle outside of areas specifically designated as parking areas, except areas where the operation of such vehicles is specifically permitted.
  - (9) **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.
  - (10) **Parking in Parks.** No person shall park any motor vehicle in any park in the Town except in a designated parking area.
  - (11) **Illegal Entry.** It shall be unlawful for any person to enter in any way any park building, installation or area after the posted closing time or before the posted opening time, or contrary to posted notices.
  - (12) **Throwing Stones and Missiles Prohibited.** No person shall throw stones or other missiles in or into any park.
  - (13) **Removal of Park Equipment Prohibited.** No person shall remove benches, seats, tables, or other park equipment from any park, unless authorized by the Town Board or its designee.
  - (14) **Closing Hours.** It shall be unlawful for any person to be or remain in any Town park in the Town of Oshkosh, including bathing beaches contiguous or adjacent to public parks, between the hours of 10:00 p.m. to 6:00 a.m., provided, however, that this Subsection shall not prohibit passing through a park area either in a vehicle or on foot without stopping during such hours, nor shall this Subsection apply to those parks which have regularly scheduled recreational activities which conclude after 10:00 p.m. The Town Board may by resolution permit specific parks to open after 10:00 p.m. for designated events.
  - (15) **Speed Limit.** No other person shall operate any vehicle in a Town park in excess of fifteen (15) miles per hour unless otherwise posted.
  - (16) **Firearms.** Within a Town park it shall be unlawful for any person to have in his possession or under his control:
    - (a) Any firearm or airgun as defined in the Wisconsin Statutes, unless the same is unloaded and enclosed in a carrying case.

- (b) Any bow, unless the same is unstrung or enclosed in a carrying case or unless written permission has first been granted by the Town Board to use a bow in a specific, supervised sport or activity, and then only within a designated area, provided, however, that it shall be unlawful to engage in any sport or activity involving a strung bow that constitute a safety hazard in the judgment of any law officer or Town Board personnel. Hunting is prohibited in all Town parks and recreational areas.
- (17) **Vending.** Vending is prohibited in Town parks unless authorized by the Town Board.
- (18) **Plant Materials.** No unauthorized removal of any plant materials or plants from any park.
- (19) **Structures.** No temporary or permanent structures are to be erected in a park without specific approval of the Town Board.

### **Sec. 12-1-2 Radio-Controlled Model Airplanes Prohibited in Parks.**

No person shall fly a radio-controlled model airplane in any park in the Town of Oshkosh except in areas specifically designated and posted for such purpose.

### **Sec. 12-1-3 Use of Metal Detectors on Public Property.**

Absent authorization by the Town Board, the use of metal detectors and digging for buried objects on Town property, except beaches where no vegetation is present, is prohibited.

### **Sec. 12-1-4 Fees and User Regulations.**

- (a) **Fee Schedule.** It shall be unlawful for any person to use any Town of Oshkosh park facility, shelter, land, or recreational area for which a fee or charge has been approved by the Board without payment of such fee or charge.
- (b) **Additional Rules.** Rules and regulations may be made from time to time by the Town Board governing the further use of and enjoyment of Town parks, parkways, playgrounds, beaches, boat landings, campgrounds, lakes, streams, and the facilities thereof. Any person who shall violate such rules or regulations may be excluded from the use of such facility.
- (c) **Permits.** Any person to whom a permit shall have been issued by the Town Board or agent thereof shall be bound by the provisions of all ordinances and rules of the Town of Oshkosh as fully as though the laws were inserted in each permit.

**Sec. 12-1-5 Public Utilities and Private Construction.**

- (a) **Public Utilities – Location.** The location of all sewers and receivers, gas pipes, water pipes, stopcock boxes, hydrants, lamp posts, telegraph, telephone and electric power posts and lines, manholes, conduits, and pumps within any Town park or parkway shall be subject to the jurisdiction and control of the Town Board, and their construction, repair or relocation shall be undertaken only after written permission is received from the Town Board.
- (b) **Private Construction.**
  - (1) No curb, whether stone, concrete, or gas, shall be cut for the purpose of constructing a private driveway across any parkway border, nor for any other purpose, without the written permission of the Town Board.
  - (2) The location, width, grade, and construction of all paths, driveways, and roadways across any sidewalk bordering along any parkway shall be subject to the approval of the Town Board and constructed only after written permission is obtained from the Town Board.

## Title 12 – Chapter 2

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### Bulkhead Lines

12-2-1 Bulkhead Lines Established

#### Sec. 12-2-1 Bulkhead Lines Established.

- (a) Pursuant to §30.11, Wis. Stats., a bulkhead line is hereby established in Section 34-19-16 in the Town of Oshkosh, County of Winnebago, State of Wisconsin as hereinafter described:

Commencing at a point where the centerline of STH 110 intersects the South Line of Sec. 34-19-16, Town of Oshkosh, Winnebago County, Wis., thence N 24° 40' W. Along said centerline a distance of 1127.3 ft. to the place of beginning: Thence S 66° 20' W. A distance of 379.0 ft. to an iron stake on the edge of the water.

- (b) Pursuant to §30.11, Wis. Stats., a bulkhead line along the westerly portion of Lake Winnebago adjacent to part of Lot 1 of Doemel's Plat as hereinafter described:

That a portion of the westerly shoreline of Lake Winnebago adjacent to part of Lot 1 of Doemel's Plat, described and more particularly shown by the map on file with the Town Clerk, is hereby established and determined as set forth in the following description, subject to the approval of the Public Service Commission of Wisconsin, namely:

Commencing at the South ¼ corner of Section 7 T18N R17E, thence N 2° 15' W 484.4 feet, thence N 87° 45' E 396 feet to the point of beginning, thence S 2° 24' W 243 feet to a point on the existing shoreline of Lake Winnebago.

- (c) Pursuant to §30.11, Wis. Stats., a bulkhead line along a portion of the westerly shoreline of Lake Winnebago adjacent to part of Lot 1 of Doemel's Plat, hereinafter described:

Commencing at the Southeast corner of Lot 3 of Herbert Doemel's Subdivision, in the 15<sup>th</sup> Ward, City of Oshkosh, Winnebago County, Wisconsin, thence N2° 24'E 143.5', thence 590° W 100' to the point of beginning, thence Northwesterly on a 20' radius curve, concave to the right to a point 163.5' North of the South line of said Herbert

Doemel's Subdivision, thence  $N8^{\circ} 55'W$  51', thence Northwesterly on a 30' radius curve, concave to the left, with a main chord bearing  $N47^{\circ} 24'W$  42.42', thence Northwesterly on a 50' radius curve, concave to the right, with a main chord bearing  $N47^{\circ} 24'W$  70.7', thence  $N2^{\circ} 24'E$  approximately 168' to the Northerly line of lands owned by Herbert Doemel, thence  $S87^{\circ} 45'W$  287', more or less, to the Easterly line of Lake Drive, now known as Hickory Lane.

- (d) Pursuant to §30.11, Wis. Stats, Wis. Stats., a bulkhead line is established along the westerly portion of Lake Winnebago south of the John E. Nielsen property at 814 East Snell Road, Oshkosh, Wisconsin, as more particularly hereinafter described:

Commencing at the Northeast corner of Section 1, T18N R16E, in the Town of Oshkosh, Winnebago County, Wisconsin; thence  $S 0^{\circ} 39' E$  506 feet; thence  $S 89^{\circ} 50' W$  220 feet to the point of beginning; thence continuing  $S89^{\circ} 50' W$  1,078.5 feet to a point on the East line of North Shore Drive (also known as County Trunk Highway A") located 506 feet South of the North line of said Section 1.

- (e) Pursuant to §30.11, Wis. Stats, Wis. Stats., a bulkhead line for Lot 3 of Block 1 of Wampatuck Resort is established as hereinafter described:

Commencing at the Northerly corner of Lot 3, Block 1, Wampatuck Resort, Town of Oshkosh, Winnebago County, Wisconsin, thence Southwesterly 136 feet along the Northwesterly line of said Lot 3 to a point on the existing shoreline of Lake Butte des Morts, being the point of beginning, thence Southerly 56.35 feet to a point on the Southeasterly line of said Lot 3 located 175.7 feet from the most Easterly corner of said Lot 3, thence Southeasterly 40 feet to a point on the Southeasterly line of Lot 4, Block 1, located 176.7 feet from the most Easterly corner of said Lot 4, being also a point on the existing shoreline of Lake Butte des Morts.

## Title 12 – Chapter 3

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### Establishing No Wake Zone

12-3-1          Establishing No Wake Zone

#### Sec. 12-3-1          Establishing No Wake Zone.

- (a) **Intent.** The intent of this section is to provide safe and healthful conditions for the enjoyment of aquatic travel and recreation consistent with public rights and interest and the capability of the water resources.
- (b) **Application and Enforcement.** The provisions of this section shall apply to those portions of the waters of Lake Butte des Morts hereinafter designated within the jurisdiction of the Towns of Algoma and Oshkosh. The provisions of this section shall be enforced as provided in Wisconsin Statutes applicable under Sections 30.66, 30.68, 30.74, 30.745, and 30.77 by any law enforcement officer as defined under Wisconsin Statute Section 23.51(3) or 939.22(22). The primary law enforcement agency shall be the Winnebago County Sheriff's Office which shall respond to complaints directed to that department.
- (c) **Definitions.**
- (1) "Boat" means every description of watercraft used or capable of being used as a means of transportation on water.
  - (2) "Motorboat" means any boat equipped with propulsion machinery, whether or not the machinery is the principal source of propulsion.
  - (3) "Operation of Motorboat" means controlling the speed or direction of the motorboat.
  - (4) "Operator" means a person who is engaged in the operation of a motorboat, who is responsible for the operation of a motorboat, or supervising the operation of a motorboat.
  - (5) "Slow-no-wake" means that speed at which a boat moves as slowly as possible while maintaining steerage control.
  - (6) "Fox River Channel under US 41 Bridge" means all waters of Lake Butte des Morts lying beneath the main span of the US 41 bridge between the causeway on the north and south and the easterly and westerly extremities of the bridge structure carrying both the north and south bound lanes of the highway. It is through this span that the channel of the Fox River flows and is this span which is marked for navigation.
- (c) **Speed Restrictions.** No person shall operate a motorboat on such portion of the Fox River Channel, under the US Highway 41 Bridge at a speed in excess of slow-no-wake.



- (d) **Penalty.** Wisconsin State Boating Penalties as found in Section 30.80 of the Wisconsin Statutes are adopted by reference.