

CHAPTER 8

PUBLIC PARKS, CEMETERIES, AND DOCKS AND WATERWAY REGULATIONS

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8.01 SPRING GROVE CEMETERY

(1) Spring Grove Cemetery Established. The City of Wisconsin Dells does hereby determine to accept and operate a municipal cemetery which shall be called Spring Grove Cemetery, which shall be under the direction of the Public Works Department.

8.02 MUNICIPAL DOCK

(1) Municipal Dock Established. The City of Wisconsin Dells shall operate a floating dock at the foot of Eddy Street as a public wharf. Said wharf, together with the real estate described as: Beginning at an easterly and westerly line drawn at the north line of the sidewalk on the north side of Broadway, and extending northerly on said Eddy Street to the Wisconsin River, shall hereafter be designated as the Municipal Dock.

(2) Regulations. The City shall have the right to prescribe regulations for the use of the Municipal Dock and to make charges for the commercial use, upkeep, maintenance and proper policing of the Municipal Dock, subject to the rights to alter, maintain or discontinue the pavilion and ticket booth now thereon.

(3) Income from Municipal Dock. The income from the commercial use of the Municipal Dock shall be allocated ninety percent (90%) to the wharf maintenance fund and ten percent (10%) to the general fund.

(4) Docking Fee.

(a) Annual Rates. Any person, firm, or corporation which at any time during the year uses the Municipal Dock for business purposes shall pay annual fees

as established by resolution adopted pursuant to Section 2.05. Said fees shall be payable on or before August 1, of each year.

(b) Emergency Landings. The fees set forth in this section shall not apply to isolated emergency landings, for which no fee shall be charged.

(c) "Passengers for Hire" Defined. "Passengers for Hire" shall be construed to include any passengers for whom a pass shall have been issued, and shall include persons to whom either a full or a half fare ticket has been sold, or by whom a valuable consideration has been given.

8.03 MUNICIPAL BOAT LAUNCHING FACILITY AND BOAT PARKING

(1) Municipal Boat Launching Facility Established. The City of Wisconsin Dells shall operate a municipal boat launching facility on the end of Indiana Avenue on Crandall Bay.

(2) Regulations. The City shall have the right to prescribe regulations for the use of the boat launching facility and to make charges for the necessary commercial use, upkeep, maintenance and property policing of the facility.

Additional regulations may be prescribed from time to time by the City Council upon recommendation of the Parks, Recreation and Waterway Commission. Regulations affecting a facility shall be posted at the facility. The City Parking Board and Police Department shall enforce this ordinance.

(3) Income from Launch Facility. The income, whether by ramp fees, leasing the dock or otherwise, generated by the use of the launch facility and adjacent shoreline for seasonal docks shall be placed in a non-lapsing account and shall be used exclusively for the purpose of maintaining the facility including, but not limited to, maintaining the docks and the parking area immediately adjacent to the launch area, implementation of waterway regulations and improvements to the waterway and its shoreline. Rules and Regulations for the facilities may be established from time to time by the River and Bay Committee with approval by the Common Council. The Common Council may establish fees related to the use of the facilities.

(4) Launching Fees.

(a) Daily Rate. Any person, firm or corporation using the launching facility on a daily basis shall pay a fee as established by resolution adopted pursuant to Section 2.05 in the manner prescribed by the regulations posted at the facility, or, in the event that no regulations are posted, the fee shall be paid directly to the City Clerk.

(b) Yearly Fee. Any person, firm or corporation wishing to use the

facility on a regular basis may pay a yearly fee as established by resolution adopted pursuant to Section 2.05 to the City Clerk or his/her designee. This rate will not be prorated and the permit shall expire on April 1 after the year of its issuance.

(5) Parking or Docking. No parking or docking of boats is allowed on City property except as authorized by the City of Wisconsin Dells in this ordinance and rules and regulations promulgated pursuant hereto.

(6) Penalties. Any person who shall violate any provision of Section 8.03 of this Code, shall upon conviction thereof, pay a forfeiture of not less than \$25.00 nor more than \$100.00, together with costs, and in the event of failure to pay the same, shall be incarcerated in the County Jail for not more than 90 days.

8.04 WATERWAY REGULATIONS

(1) Applicability and Enforcement. The provisions of this ordinance shall apply to the waters of the Wisconsin River. This ordinance shall be enforced by the officers of the City.

(2) Intent. The intent of this ordinance 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 resource.

(3) State Boating and Safety Laws Adopted. State boating laws as found in Wis. Stat. Secs. 30.50 to 30.71 are adopted by reference.

(4) Speed Restrictions.

(a) Definitions. "Slow-no-wake" means that speed at which a boat moves as slowly as possible while still maintaining steerage control.

(b) A "no wake" zone on the Wisconsin River is hereby created and described as the area from the southernmost point on the bridge abutment on River Road at Michigan Avenue on the east side of the river, then on a line 300 degrees to a point on the west side of the river then south along the west side of the River to the Kilbourn Power Dam and then along the Dam to the east side of the River and then north along the east side to the aforementioned bridge abutment. This area shall be marked by five "no wake" buoys of the type authorized by the State Department of Natural Resources.

- (c) A "no wake" zone is hereby created for all of Crandall Bay. This area shall be marked by three "no wake" buoys of the type authorized by the State Department of Natural Resources.

5) Boat Prohibition Area.

- (a) No person shall operate a motorboat, as defined in Wis. Stat. Sec. 30.50(6) or nonmotorized boat as defined in Wis. Stat. Sec. 30.50(7) on the Wisconsin River from Kilbourn Dam restricted buoy line, downstream to the Kilbourn Dam.
- (b) The owner/operator of Kilbourn Hydro Plant is authorized to restrict access in the vicinity of the facility and install and maintain waterway markers and buoys as permitted by law.

(6) Penalties. Wisconsin state boating penalties as found in Wis. Stat. Sec. 30.80 and deposits established in the Uniform Deposit and Bail Schedule established by the Wisconsin Judicial Conferences, are hereby adopted by references to fines amended to forfeitures and all references to imprisonment deleted.

(7) Posting Requirements. The City shall place and maintain a synopsis of this Ordinance at all public access points within the jurisdiction of the City pursuant to the requirements of Wis. Adm. Code NR 5.15.

8.05 PUBLIC PARKS

All public parks, including the area of the swimming pool and surrounding lands, parkways, boulevard and pleasure drives located within the City of Wisconsin Dells shall be operated by and under control of the Parks, Recreation and Waterway Commission as set forth in Section 1.04(9) of this Code. Established park hours are 6:00AM to 11:00PM. Exceptions would be Special Events approved by the city and/or Chief of Police

8.06 STATE SNOWMOBILE LAWS ADOPTED

(1) State Snowmobile Laws Adopted. Except as otherwise specifically provided in this ordinance, the statutory provisions describing and defining regulations with respect to snowmobiles in the following enumerated section of the Wisconsin Statutes are hereby adopted by reference and made part of this ordinance as if fully set forth herein. Acts required to be performed or prohibited by such statutes are required or prohibited by this ordinance.

- 350.01 (Definitions)
- 350.02 (Operation of Snowmobiles on or in the Vicinity of a Highway)

- 350.03 (Right of Way)
- 350.04 (Snowmobile Races, Derbies and Routes)
- 350.045 (Public Utility Exemptions)
- 350.05 (Operation by Youthful Operators Restricted)
- 350.055 (Safety Certification Program Established)
- 350.07 (Driving Animals)
- 350.08 (Owner Permitting Operation)
- 350.09 (Head Lamps, Tail Lamps and Brakes)
- 350.10 (Miscellaneous Provisions for Snowmobile Operation)
- 350.101 (Intoxicated Snowmobiling)
- 350.102 (Preliminary Breath Screening Test)
- 350.103 (Implied Consent)
- 350.104 (Chemical Tests)
- 350.106 (Report Arrest to Department)
- 350.107 (Officer's Action After Arrest for Operating a Snowmobile While Under the Influence of Intoxicant)
- 350.11 (Penalties)
- 350.12 (Registration of Snowmobiles)
- 350.125 (Completion of Application for Reg. by Snowmobile Dealers)
- 350.13 (Uniform Trail Signs and Standards)
- 350.135 (Interferences with Uniform Trail Signs and Standards Prohibited)
- 350.15 (Accidents and Accident Reports)
- 350.155 (Coroners and Medical Examiners to Report; Require Blood Specimen)
- 350.17 (Enforcement)
- 350.19 (Liability of Landowners)
- 350.99 (Parties to a Violation)
- 346.02(10) (Applicability of Rules of Road to Snowmobiles)

The adoption of Wis. Stat. sec. 346.02(10) by reference is intended to include the rules of the road therein enumerated which are as follows: 346.04, 346.06, 346.11, 346.14(1), 346.18 to 346.21, 346.26, 346.27, 346.33, 346.35, 346.37, 346.39, 346.40, 346.44, 346.46 to 346.48, 346.50(1)(b), 346.51 to 346.55, 346.87 to 346.91, 346.92(1) and 346.94(1), (6), (6m) and (9).

(2) Routes and Trails Designated.

- (a) Except as provided in Wis. Stat. secs. 350.02 and 350.045, or for snowmobile events authorized in accordance with Wis. Stat. sec. 350.04, no person shall operate a snowmobile upon any public right of way, in any public park, golf course, or on any other public municipal property in the City, except upon the following designated snowmobile routes and in accordance with the regulations herein.

(b) Routes. The following City property and streets, or portions thereof, are designated snowmobile routes.

1. Beginning at the North City limits on Highway 13 (Waubeek Road), Highway 13 South to intersection 13-16-23 with traffic. East or West along the North sidewalk area of Blocks 54 and 55 to Race Street. Turn right on Race Street and proceed approximately 150 feet to alley entrance of Block 53. Proceed through alleys of Blocks 53, 52, 51, 50, 49, 48, 47, 46 and 45 (Block 45 known as the Dells Boat Company Parking Lot). Proceed through Block 45 approximately 270 feet West then 150 feet South to Broadway as principal East/West route through Downtown Area. Proceed across the bridge on the far right lane following normal traffic patterns and rules to the intersection of Stand Rock Road. Turn Right on Stand Rock Road proceed North following traffic to Pioneer Drive intersection, turn left on Pioneer Road. Proceed West to the intersection of Fitzgerald Road, turn left on Fitzgerald. Proceed South to the intersection of County Highway H, turn left on County Highway H. Proceed South on County Highway H, after crossing Highway 13 continue South on Trout Road.
2. An additional route will include River Road from the alley of Block 46 through Block 47 to connect with the rest of the City route. Crossing Broadway at River Road/Superior Street will be prohibited. The River Road route will proceed North West on the public thoroughfare past Blocks 42, 21, 18, 187 and 188 onto Waubeek Road to the City limits. At this point, it will connect with the northernmost section of our trail on Highway 13.
3. An additional route commences on the West side of the bridge on the sidewalk on the South side of STH 13 in Sauk County. The route is from the bridge, west down the hill on the sidewalk on the south side of STH 13 to the first drive entrance to the south (at Mexicali Rose). Then following just south (left) of the sidewalk to the intersection around the corner turning south (left) towards the hill up Hwy 12 to CTH A. Cross CTH A to the parking lot behind the BP Station. Travel across the parking lot to Unity Drive. At Unity Drive, cross to the east side of CTH A and follow the highway south to the city limits.
4. For access to service stations at corner of Broadway and Bowman Road the following two (2) routes can be taken. Access may be

obtained to the service station by proceeding South on Vine Street after exiting Block 52 or 53, or proceeding South on Bowman Road after exiting Block 51 or 52.

The above routes described herein are the only authorized routes for snowmobiles traversing from one side of the City limits to the other.

(3) Snowmobile Parking. Snowmobiles may be parked in the City only on private property or in public parking areas adjacent to the route/trail. No person shall leave or allow a snowmobile to remain unattended while the motor is running or with the starting key in the ignition.

(4) Designated Routes. The Chief of Police and Director of Public Works are directed and authorized to procure, erect and maintain appropriate snowmobile route, trail and speed limit signs and markers as provided by the Wisconsin Department of Natural Resources pursuant to Wis. Stat. sec. 350.13. No person shall fail to obey any route or trail sign, marker or limit, erected in accordance with the ordinance.

(5) Speed. No person shall operate a snowmobile in the City at a speed in excess of 10 mph during the hours between 10:30 p.m. and 7:00 a.m. Between the hours of 7:00 a.m. and 10:30 p.m., no person shall operate a snowmobile within the City of Wisconsin Dells at a speed in excess of that permitted or posted for other motor vehicles thereon.

(6) Operation on Sidewalks and Malls Prohibited. No person shall operate a snowmobile on any sidewalk, pedestrian way or mall within the City except as specifically authorized by paragraph (2) of this ordinance or for the purpose of crossing to obtain immediate access to an authorized area of operation.

(7) Operation on Private Premises Prohibited. No person shall operate a snowmobile on any private property within the City without the expressed consent or permission of the property owner.

(8) Operation on Wisconsin River Prohibited. No person shall operate a snowmobile on the Wisconsin River or tributaries thereof.

(9) Restriction on Equipment. No snowmobile or other vehicle operating on snowmobile routes shall be allowed if it has an expansion chamber or muffler other than the type provided by the manufacturer.

(10) Enforcement.

(a) Uniform Citation for Highway Violations. The uniform traffic citation promulgated under Wis. Stat. sec. 345.11, shall be used for violations of this ordinance relating to highway use and parking except as herein provided.

(b) Other Violations. All violations of this ordinance not described in sub. (a) shall be enforced in accordance with Wis. Stat. secs. 66.12 and 66.114 and Wis. Stat. Chapter 299. Stipulations of guilt or no contest may be made as provided in Wis. Stat. sec. 66.12(1)(b), in substantially the form provided in the uniform traffic citation within 5 days of the date of the citation for such violation. Bail deposit may also be made under Wis. Stat. sec. 66.12. Such deposits shall include a clerk's fee and costs of prosecution.

(c) Police Department to Receive Stipulations and Penalties. Stipulations, forfeited penalties and deposits for obtaining release from arrest authorized under this ordinance may be accepted at the City Police Department offices by the Chief or officer designated by him. The officer authorized to accept penalties and deposits shall be bonded and such bond shall be filed with the City Clerk.

(d) Forfeited Penalties and Deposits. Except as otherwise provided in Wis. Stat. sec. 345.26, and the deposit schedule adopted by the State Board of County Judges thereunder, City of Wisconsin Dells adopts forfeited penalties or deposits or bail.

CHAPTER 8 REVISIONS

08-30-90 A-262
10-21-92 A-295
12-22-94 A-356 Permit fees
06-19-95 A-367 Vest est. of dock & ramp fees with Council
01-29-97 A-402 Provisions for Cemetery moved from Chap 1
11-17-97 A-417 Boat dock fees referred to Schedule of Fees - 8.02(4)(a) & 8.03(4)(a).
08-25-99 A-444 Delete reference to Perpetual Care fund in 8.01(4)(c)
04-26-00 A-460 Revise Snowmobile Route 8.06(2)(a) & (b)
06-30-04 A-555 River & Bay Committee combined with Parks & Rec.8.03 & 8.05
06-23-07 A-616 Establishes hours for city parks at 6am to 11pm. 8.05
01-29-11 A-696 Amends snowmobile route. 8.06(2)(b)
01-23-16 A-786 Eliminate Cemetery Commission 8.01(2-4)
04-02-16 A-793 Waterways Regulation Updates 8.04(1-4)
06-20-16 A-799 Waterways Regulation Updates 8.04 (1-7)