

SECTION 9.01 **CLOSING OF PARKS AFTER 10:00 P.M.**

- (a) No person shall remain upon or enter any public park owned by the Town between the hours of 10:00 p.m. and dawn without first obtaining a written permit from the Park Commission of the Town.
- (b) Any person violating this Ordinance shall be subject to forfeiture as set forth in Section 1.03 of this Code.

History Note: Ordinance No. 2, adopted June 12, 1961. Amended July 12, 2005 Ordinance No. 13-2005

SECTION 9.02 **USE OF TOWN PROPERTY BY PIER PLACEMENT AND/OR STORAGE REGULATED**

(a) **Occupancy Prohibited Without Permit.**

No person shall place, install, leave, store or permit any pier, boat lift or slip to remain on any property owned by the Town for a period greater than eight continuous hours without a permit issued by the Town Clerk.

(b) **Application Procedure.**

Persons desiring to place, install, leave or store any pier, boat lift or slip on Town property shall make application in writing to the Clerk on a form provided by the Town. No person may apply to place a pier on Town property unless the applicant is a fee simple record title holder of real property in the Town which abuts or is otherwise contiguous to the Town property on which the pier is proposed to be placed or installed. An abutting owner shall include a person whose property has a publicly dedicated road between the owner's property and the Town property. The application shall include at least the following information:

- (1) Name, address and telephone number of applicant;
- (2) Fire number on pier or boat lift;
- (3) Proposed location of pier, boat lift or slip by nearest platted lot, public access number or other description which will reasonably identify the location of the proposed pier, boat lift or slip, including a diagram of sufficient clarity to indicate the location of the pier and any currently existing retaining walls, fences, improved parking spots or other improvements located on the Town land where applicant proposes to place the pier on the property and any other existing piers within 200 feet of the proposed location of the pier; and **[amended by Ordinance No. 2014-05B, 9/23/14.]**
- (4) Names and addresses of owners of lands within 200 feet of proposed location of pier, boat lift or slip.

(c) **Review of Application.**

The Town Board shall review the application to determine whether issuance of the permit is contrary or inconsistent with the public health, safety and welfare before approving any application.

- (1) Among the factors the Town Board may consider is the duration of the placement or use, the nature of the use, any currently existing retaining walls, fences, improved parking spots and other improvements located on the Town land where applicant proposes to place the pier, consistency with State regulatory standards relating to piers, whether the use unreasonably interferes with the use, safety or enjoyment of others, including the general

public, or any other factors which the Town Board deems appropriate.
[amended by Ordinance No. 2014-05B, 9/23/14.]

- (2) The Town Board may, in its judgment, place conditions upon the permit to preserve the interests of the Town and other lawful users of the Town property.
 - (3) The Town Board may limit the number of slips permitted to ensure that the total number of slips on each Town property abutting upon the water shall not exceed the length of the water frontage in feet, divided by 50, plus one.
 - (4) Upon approval of the permit, the Clerk shall issue a permit which shall be attached to the said pier in a conspicuous location visible for inspection at all times.
- (d) **Terms, Conditions, Restrictions, Obligations and Responsibilities of Holder of Pier Permit.**
- (1) The erection, construction, maintenance, cost of repair and/or removal of the pier at applicant's exclusive cost and at no cost to the Town whatsoever.
 - (2) The pier shall be erected, constructed, maintained, repaired and removed in accordance with the specifications set forth in the most current versions of Wis. Admin. Code Chap. NR 326, DNR Pier Planner and any other applicable statutes, rules and regulations noted on the DNR website (<http://dnr.wi.gov/org/water/fhp/waterwaypiers>). This includes the following items:
 - (A) Maximum number of boats per pier is 2, except for joint pier permits used under subsection (e) of this ordinance. Maximum number of seasonal boat shelters/lifts is the same;
 - (B) Non-complying piers will not be considered "grandfathered" in;
 - (C) Riparian rights for each pier permit property shall be determined by extending property lines across Town lands into the water. Lots not directly abutting town lands contacting water will not be allowed a permit; and
 - (D) Total number of slips on each town owned parcel abutting water is not to exceed the length of the frontage in feet divided by fifty plus one.
 - (3) No abutting owner may be permitted to install more than one pier on Town property, including joint piers under subsection (e) of this ordinance.

- (4) Any permit issued pursuant to this Ordinance may not be assigned or transferred without the prior express written consent of the Town.
- (5) The person to whom a pier permit is issued shall cause to be posted at a conspicuous place on the pier a sign absolutely prohibiting any diving from the pier.
- (6) The person to whom a pier permit is issued shall cause to be posted at a conspicuous place on the pier the permittee's fire number and on any boat hoist affixed to the pier. Boat hoists shall be connected to the shoreline by a pier.
- (7) The issuance of the permit shall allow storage of the pier, boat lift or slip on the Town property at least 8 feet from the edge of the paved surface of the road during the period of the year when such personal property is not in the water. Storage of boats, pontoon boats, accessories and other personal property is prohibited.
- (8) The applicant may not construct or place any new retaining walls, fences, improved parking spots, structures or any other improvements on any Town-owned property after September 23, 2014.
- (9)
 - (A) For any existing retaining walls, fences, stairways, railings, walking bridges, improved parking spots, structures or other improvements on Town-owned property existing prior to September 23, 2014, it is the Town's policy that applicant shall remove all such structures or shall bring them into a code-compliant condition for safe use by the applicant. Any work performed by applicant to bring retaining walls, fences, stairways, railings, walking bridges, structures or other improvements into safe use shall require applicant to obtain a road opening permit in accordance with the procedures of Section 5.04 of this Code, with an inspection by the Town's Engineer for such compliance at the pier permit holder's expense.
 - (B) An applicant may request that the Town allow applicant to retain any currently existing retaining walls, fences, improved parking spots, structures and any other improvements on the Town-owned property prior to September 23, 2014 so long as these improvements do not hinder the safety of vehicles on publicly dedicated roads abutting the Town-owned property, or cause erosion and runoff issues. Any such retaining walls, fences, improved parking spots, structures or any other improvements located on the Town-owned property shall be at all times stabilized by the applicant and may not remain or become unsightly. In addition, if the Town permits applicant to continue to park vehicles on the Town-owned property, applicant shall insure that any

vehicles parked on the Town-owned property and any retaining walls, fences, improved parking spots, structures or any other improvements located on the Town-owned property, provide an unobstructed access or passage for at least four feet beyond the pavement edge of the publicly dedicated road abutting upon the Town-owned property.

(10) The leasing, renting or subletting of piers or slips on piers is prohibited.

(e) **Joint Piers.**

Joint piers are permitted, for not more than three (3) adjacent property owners, each eligible to apply for a pier permit under subsection (b) of this Ordinance, subject to the following conditions:

- (1) Each eligible property owner shall apply and pay the application fee, indicating on the application that the applicant seeks a joint pier and listing the other proposed persons eligible to apply for a pier permit under subsection (b) of this Ordinance that seek to share the joint pier;
- (2) Each such applicant may be permitted a maximum of two (2) boats or shelters/lifts on the joint pier, subject to the maximum slip number specified in subsection (d)(2) of this Ordinance;
- (3) The joint pier shall be located within the area of riparian rights of one or more of the applicants under subsection (d)(2) of this Ordinance;
- (4) Joint piers shall conform to all other requirements noted for single applicant piers;
- (5) No other piers shall be placed within the area of the riparian rights of the joint pier applicants; and
- (6) Configuration and location of the joint pier shall be such that it shall not cause navigational conflicts with adjacent piers or safety issues during evening hours. The Town may require, on a case by case basis, the addition of reflective stickers or other non-electrified nighttime markings.

(f) **Fee.**

The fee for a pier permit shall be as specified on the current Town of Dekorra Fee Schedule. The Town shall give notice to holders of existing pier permits of their opportunity to renew their pier permits, together with the annual property tax bill. In the event the pier permit renewal fee is not paid prior to January 31, the renewal fee shall increase to the amount as specified on the current Town of Dekorra Fee Schedule, if paid prior to April 30, and shall be the amount as specified on the current Town of Dekorra Fee Schedule, if paid at any time after April 30. The fee for an original pier permit shall be as specified on the current Town of Dekorra Fee Schedule, regardless of date of issuance.

(g) **Hold Harmless Agreement and Proof of Liability Insurance.**

As a condition of approval of any pier permit, the applicant shall agree to hold the Town harmless from any claims made or arising out of any pier, or any retaining walls, fences, structures or any other improvements located on the Town-owned property by the applicant on the Town-owned property. In addition, the applicant must obtain a policy of public liability insurance relating to the pier, or any currently existing retaining walls, fences, structures or any other improvements owned by applicant on the Town-owned property, that is the subject of the permit in an amount no less than \$1,000,000.00 for bodily injury, disability or death to one or more persons arising out of any one accident or occurrence, and for damages to property in an amount not less than \$500,000.00. The applicant shall submit a certificate of insurance verifying the required insurance coverage, identifying the location of the pier, and any retaining walls, fences, structures or any other improvements located on the Town-owned property and showing that the policy provides coverage to the Town as its interests may appear.

- (1) The Town shall be notified immediately of any cancellation, discontinuance or material change in the terms of any insurance required in connection with a pier permit. If said insurance is cancelled, discontinued or materially changed and not restored within seven days after notice of such action, the Town may revoke the permit without notice on the date immediately preceding the date on which the liability insurance required and submitted is cancelled, discontinued or materially changed

(h) **Removal of Pier.**

Permittee shall remove the pier from the water no later than November 30 of each year.

(i) **Term of Pier Permit.**

Any permit issued in accordance with this Ordinance shall expire on January 31 of the year after issuance, unless earlier revoked or terminated.

(j) **Remedy for Violations.**

Any person violating this Ordinance shall be subject to the penalties set forth in Section 1.03 of this Code and shall be deemed to be just cause for denial of future pier permits by such person. In addition, any property placed at a time or manner that violates the terms of this ordinance may, upon 30 days notice, be removed by the Town and treated as abandoned property pursuant to Wis. Stats. § 66.0139. If the owner of the property is known, notice shall be provided by certified mail. If the owner of the property is unknown, notice shall be posted conspicuously upon the property and posted and published as a Class 1 notice under Wis. Stats. Chap. 985 in the same manner as notices for Town meetings. Property that remains unclaimed for 10 days after removal may be sold by public auction or disposed of as determined by the Town Board by ordinance. If the Town takes action to remove any property placed at a time or in a manner that violates the terms of this

Ordinance, the Town shall charge the cost of such removal and any storage costs to the owner of the property, if known, as a special charge pursuant to Wis. Stats. § 66.0627. No property removed pursuant to this subsection shall be released to its owner until all costs of removal and storage have been paid. Any substantially complete motor vehicles less than nineteen (19) model years of age shall be disposed of according to the provisions of Wis. Stats. §§ 340.20(3)(c) and (e).

History Note: Created by Ordinance No. 99-12-A, adopted December 14, 1999; amended by Ordinance No. 2000-01-A, adopted January 11, 2000 and Ordinance 2000-02 adopted June 13, 2000; amended June 8, 2004, Ordinance No. 6-2004.; amended December 14, 2004, Ordinance No. 12-2004; amended by Ord. 2007-08, 2007-09, 2008-05 and 2008-06; amended by Ord. 2014-05B, 9/23/14; amended by Ord. No. 2018-01, 1/9/18.

SECTION 9.03 **USE OF TRASH CONTAINERS AT TOWN PARKS AND
LANDS AND PROHIBITION OF DUMPING**

- (a) Use of trash containers placed at Town Parks, Accesses and Other Lands is strictly for trash and other refuse resulting from activity on Town Parks, Accesses and Lands. No person shall remain upon or enter any public park owned by the Town between the hours of 10:00 p.m. and dawn for any purpose including use of trash containers without first obtaining a written permit from the Parks Commission of the Town.
- (b) Dumping Prohibited: No person shall dump or deposit any trash, refuse, garbage, earth or other material upon any Town lands except in trash receptacles provided by the Town. No person shall place any trash, refuse, garbage, earth or other materials in any Town provided trash receptacle on Town lands except for personal trash or garbage generated on said lands resulting from ordinary and permissible recreational activities or otherwise in accordance with Section 7.01.
- (c) Any person violating this Ordinance shall be subject to forfeiture as set forth in Section 1.03 of this Code.

History Note: Created by Ordinance 2008-01; repealed and recreated by Ordinance No. 2008-02 on March 25, 2008.

SECTION 9.04 **DOG EXERCISE AREAS.****(a) Establishment of Dog Exercise Areas.**

The Town Board may establish one or more dog exercise areas. All dog exercise areas shall be designated by erecting adequate fencing to fully enclose such area and by erecting conspicuous signage at the entrance of such area indicating it has been designated as a dog exercise area.

(b) Permit.

No person may allow any dog the person owns or that is within the person's custody or control to be present in a dog exercise area without having obtained a dog exercise area permit for the dog in accordance with this subsection. Permits from other jurisdictions shall not be a substitute for a permit from the Town.

- (1) Permits shall be obtained from the Town Clerk. The Town Clerk shall establish an application form, which shall request all information necessary to determine whether the dog is eligible for a permit. The Town Clerk may, in cooperation with other Town departments, establish self-service application and payment facilities located at any dog exercise area. The Town Clerk shall also establish the form(s) of the permit.
- (2) Permits may be issued on an annual or daily basis. Dog park permits shall be displayed on the dashboard or other conspicuous location of the vehicle that transported the dog to the dog exercise area. If the dog was not transported to the dog exercise area in a vehicle, the person in control of the dog shall carry the permit at all times while a dog is in the dog exercise area. Upon application and payment of the prescribed fee, a copy of the application shall be given to the applicant. For a daily permit, the copy of the application shall constitute the permit.
- (3) If, upon review of any application, it is determined that any of the information provided is false or if it is determined the dog is not eligible for a permit, the permit shall be considered void and notice thereof shall be sent by regular mail to the applicant. The fee for the permit shall not be refunded.
- (4) To be eligible for a permit:
 - (A) All dogs shall display a valid dog license tag issued by the Town or other local government where the dog resides. This requirement shall not apply if the jurisdiction where the dog resides does not require the dog to be licensed or if the dog is less than five months of age.
 - (B) All dogs shall be current on rabies vaccinations.

- (C) The dog may not be considered a dangerous dog pursuant to Wis. Stats. §§ 173.21(1)(b), 173.23(4)(b) or (c) and 174.02(3)(a).
- (D) The fee for any such license shall be as specified in the current Town of Dekorra Fee Schedule.
- (E) Annual permits shall be renewed each year as of January 1. Fees shall not be prorated; however, permits issued 15 days prior to January 1 shall be valid through the following year.

(c) **Rules.**

The following rules shall be observed at all times. Failure to observe the rules established herein shall be grounds for suspension, revocation, or refusal to issue any dog exercise permit for the individual dog or any dog owned by the person found to be in violation.

- (1) Pursuant to Wis. Stats. § 174.02, the owner of a dog shall be liable for the full amount of damages caused by a dog injuring or causing injury to a person, domestic animal or property and shall be liable for two times the full amount if the owner was notified of a previous incident of the dog causing such injury.
- (2) All dogs shall be licensed and vaccinated and shall wear a visible municipal license tag and rabies vaccination tag issued pursuant to Wis. Stats. § 95.21(2)(e).
- (3) The owner or handler of a dog causing any damage to park property, including, but not limited to holes dug by the dog shall repair such damage.
- (4) At all times while present in the dog exercise area, the annual permit shall be displayed on the dashboard or other conspicuous location of the vehicle that transported the dog to the dog exercise area. If the dog was not transported to the dog exercise area in a vehicle, the person in control of the dog shall carry the permit at all times while a dog is in the dog exercise area. Where a daily permit has been issued, the person in control of the dog shall carry a copy of the permit.
- (5) Dogs shall not intimidate, attack or threaten any person or another pet. Any dog exhibiting behavior reasonably viewed as being aggressive, intimidating or threatening shall be removed from the park immediately.
- (6) Dogs shall be kept within sight and be under the control of the owner or other person in lawful custody at all times.

- (7) The owner or handler of a dog shall pick up all the dog's feces and place them in designated receptacles.
- (8) Female dogs in heat are prohibited from entering any dog exercise area.
- (9) Dogs shall be on a static leash not greater than six feet in length when entering and exiting the dog exercise area and such leash shall be in the owner or handler's possession at all times when in the dog exercise area.
- (10) Excessive barking tending to unreasonably disturb other pets and users of the dog exercise area or the surrounding neighborhood is prohibited. Owners or handlers of any dog engaging in such barking shall take steps to eliminate the excessive barking and shall remove the dog if no other reasonable measures are effective.
- (11) No food shall be brought into a dog exercise area.
- (12) Unless expressly provided in this section, all other Town ordinances applicable to Town parks shall apply to dog exercise areas.

History Note: Created by Ordinance 2013-15D on November 12, 2013.

4850-5370-2150, v. 1