

Chapter 264

PARKS AND RECREATION

[HISTORY: Adopted by the Town Board of the Town of Erin 6-17-1996 by Ord. No. 96-15. Amended Ord. 2016-02 4/19/2016.]

GENERAL REFERENCES

Park Board — See Ch. 10, Art. III.
Veterans Memorial Committee — See Ch. 10, Art. IV.
Boating — See Ch. 156.

§ 264-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

PARK or PARKS — All lands, playgrounds, waters and beaches heretofore and hereafter acquired by the Town for park or recreational purposes placed under the jurisdiction of the Park Board and shall include, without limitation, parks, beaches, parkways, pleasure drives, trails, and privately owned lands, the use of which has been granted the Town of Erin for parks, recreational or like purposes.¹

PERSON — An individual, partnership, corporation, firm, company, association, society, or group.

§ 264-2. Purpose.²

The purpose of this chapter is to protect the parks and recreational areas from abuse and maintain general order therein; and to further the safety, health and welfare of all persons while within the limits of the park and recreational areas. Sections 27.13, 60.66, 27.08 and 27.10, Wis. Stats., are adopted by reference and incorporated herein as if fully set forth.

§ 264-3. Regulations.

No person in a park shall without Town Board or Park Board permission:

A. Buildings and other property.

- (1) Disfiguration and removal. Wilfully mark, deface, disfigure, injure, tamper with or displace or remove any building, structures, tables, benches, fireplaces, railings, paving or paving material, utilities or parts or appurtenances thereof, signs, notices or placards whether temporary or permanent, monuments, stakes, posts, or other boundary markers, or other structures or equipment, facilities or park property or

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

appurtenances whatsoever, either real or personal.

- (2) Rest rooms and washrooms. Fail to cooperate in maintaining rest rooms and washrooms in a neat and sanitary condition or use for other than it's intended purpose.
- (3) Removal of natural resources. Dig, or remove any sand, whether submerged or not, or any soil, rock, stones, trees, shrubs or plants, down-timber or other wood or materials, or make any excavation by tool, equipment, blasting, or other means or agency.
- (4) Erection of structures. Construct or erect any building or structure of whatever kind, whether permanent or temporary in character, or run or string any public service utility into, upon or across such lands, except on special written permit issued hereunder.

B. Trees, shrubbery, lawns.

- (1) Injury and removal. Damage, cut, carve, transplant or remove any tree or plant, or pick the flowers or seeds, of any tree or plant. Nor shall any person attach any rope, wire, or other contrivance to any tree or plant. A person shall not dig in or otherwise disturb grass areas, or in any other way injure or impair the natural beauty or usefulness of any area.
- (2) Climbing trees, etc. Climb any tree or walk, stand or sit upon monuments, railing, fences or upon any other property not designated or customarily used for such purposes.

C. Wild animals, birds, etc.

- (1) Hunting. Hunt, molest, harm, frighten, kill, trap, chase, tease, shoot, or throw missiles at any animal, reptile or bird; nor shall he remove or have in his possession the young of any wild animal, or the eggs or nest, or young of any reptile or bird.
- (2) Firearms. Hunt, trap or pursue wildlife at any time. No person shall discharge firearms of any descriptions, or air rifles, spring guns, bow and arrows, slings or any other forms of weapons potentially inimical to wildlife and dangerous to human safety, or any instrument that can be loaded with and fire blank cartridges, or any kind of trapping device. Shooting into park areas from beyond park boundaries is forbidden.
- (3) Feeding. Give or offer or attempt to give to any animal or bird any known noxious substances.

D. Dangerous animals. Bring or harbor, keep, or allow any dangerous animal into any town park or other town property.

- (1) The provisions of this chapter regarding dangerous animals shall not apply to dogs owned by law enforcement agencies and used for law enforcement purposes.
- (2) The term "dangerous animal" means any one or more of the following:

- a. Any animal that has killed a person, domestic pet or other animal with or without provocation.
- b. Any animal that, without provocation, inflicts bodily harm (meaning requiring treatment by a physician) on a person, domestic pet or animal on public or private property.
- c. Any animal which chases or approaches a person in a menacing fashion or apparent attitude of attack without provocation upon the streets, sidewalks, or any public grounds or on private property without the permission of the owner or person in lawful control of the property.
- d. Any animal that has been declared dangerous or vicious, banished from or ordered to be destroyed by any other city, village, town or county.
- e. Any dog trained, owned, or harbored for the purpose of dog fighting, or attacking persons.

§ 264-4. Pollution of waters; littering; removal of trash.

No person in a park shall:

- A. Pollution of waters. Throw, discharge or otherwise place or cause to be placed in the waters of any pond, stream, bay or other body of water in or adjacent to any park or any tributary, stream, or drain flowing into such waters, any substance, matter or thing, liquid or solid, which will or may result in the pollution of said waters.
- B. Refuse and trash. Have brought in or shall dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, or refuse, or other trash or material. No such refuse or trash shall be placed in any waters in or contiguous to any park, or left anywhere on the grounds thereof, but shall be placed in the proper receptacles where these are provided; where receptacles are not so provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence, and properly disposed of elsewhere.

§ 264-5. Traffic; bicycles and skateboards.

No person in a park shall:

- A. State motor vehicle laws apply. Fail to comply with all applicable provisions of the state motor vehicles traffic laws in regard to equipment and operation of vehicles together with such regulations as are contained in this chapter and other ordinances.
- B. Enforcement of traffic regulations. Fail to obey all traffic officers and park employees, such persons being hereby authorized and instructed to direct traffic whenever and wherever needed in the parks and on the highways, streets or roads immediately adjacent thereto in accordance with the provisions of these regulations and such supplementary regulations as may be issued.

- C. Obey traffic signs. Fail to observe carefully all traffic signs indicating speed, direction, caution, stopping, or parking, and all others posted for proper control and to safeguard life and property.
- D. Speed of vehicles and weight. Ride or drive a vehicle at a rate of speed exceeding five miles an hour, except upon such roads as the Park Superintendent may designate, by posted signs, for speedier travel. No person in a park shall drive a vehicle into park property in excess of posted weight limits unless authorized by the Town.
- E. Operation confined to roads. Drive any vehicle on any area except the designated park roads or parking areas, or such other areas as may on occasion be specifically designated as temporary parking areas.
- F. Parking.
 - (1) Designated areas. Park a vehicle in other than an established or designated parking area at designated times. No parking on Town property after hours without permission.
 - (2) Parking on Town property is limited to those using and/or staying on Town property, and those with permission.
- G. Bicycles and skateboards.
 - (1) Confined to roads. Ride a bicycle (or similar device) on other than a designated park road unless authorized.
 - (2) Designated racks. Leave a bicycle in a place other than a bicycle rack when such is provided and there is a space available.
 - (3) Riding a skateboard (or similar device) is not allowed in the park or parking lot.

§ 264-6. Recreational activities.

No person in a park shall:

- A. Picnic areas and use.
 - (1) Regulated. Picnic or lunch in a place other than those designated for that purpose. Attendants shall have the authority to regulate the activities in such areas when necessary to prevent congestion and to secure the maximum use for the comfort and convenience of all. Visitors shall comply with any directions given to achieve this end.
 - (2) Availability. Violate the regulation that use of the individual fireplaces together with tables and benches follows generally the rule of first come, first served.
 - (3) Camping. There shall be no overnight camping.
 - (4) Games. Take part in or abet the playing of any games involving thrown or otherwise propelled objects such as balls, stones, arrows, javelins. This does not apply to soccer, baseball, basketball, tennis, or volleyball.

- (5) Horseback riding. Ride a horse except on designated bridle trails. Where permitted, horses shall be thoroughly broken and properly restrained, and ridden with due care, and shall not be allowed to graze or go unattended.
- B. Intoxicating. No person shall be intoxicated on park grounds.
- C. Loitering and boisterousness. Engage in loud, boisterous, threatening, abusive, insulting or indecent language, or engage in any disorderly conduct or behavior tending to a breach of the public peace.
- D. Interference with permittees. Disturb or interfere unreasonable with any person or party occupying any area, or participating in any activity, under the authority of a permit.

§ 264-7. Behavior.

No person in a park shall without permission:

- A. Fireworks and explosives. Bring, or have in his possession, or set off or otherwise cause to explode or discharge or burn, any firecrackers, torpedo, rocket, or other fireworks or explosives of inflammable material, or discharge them or throw them into any such area from land or highway adjacent thereto.
- B. Fires. Build or attempt to build a fire except in such areas and under such regulations as may be designated.
- C. Closed areas. Enter an area posted as "Closed to the Public," nor shall any person use, or abet the use of any area in violation of posted notices.
- D. Games of chance. Gamble, or participant on or abet any game of chance.
- E. Going onto ice. Go onto the ice on any of the waters except such areas as are designated as skating fields, and at designated times.
- F. No amplification of sound is permitted.
- G. Exhibit permits. Fail to produce and exhibit any permit he claims to have upon request of any authorized person who shall desire to inspect the same for the purpose of enforcing compliance with any ordinance or rule.
- H. Skiing, sledding. Ski or sled except in designated areas.
- I. Snowmobile. Snowmobile except in designated areas.
- J. Animals. All animals brought into the park shall be leashed at all times, and the lead not to exceed 6 feet in length, and all waste shall be disposed of properly.
- K. Golf. Golf on park property.
- L. Swim or boat. Swim or boat on park property.
- P. Launch or use rockets, radio controlled airplanes, or any other unmanned aerial system.
- Q. Engage in any type behavior or training that causes any animal to habitually or repetitively

bark or howl to the annoyance of any person or persons.

- R. To occupy any location in any park or other town property that interferes with or causes the interference of any sanctioned or permitted activity that is authorized by any Town Official, or any youth sports organization that has permission from the town to use park facilities or other town property.
- S. To refuse to comply with any lawful order given by any authorized Town Official.

§ 264-8. Merchandising, advertising and signs.

No person in a park shall without Town approval:

- A. Vending and peddling. Expose or offer for sale any article or thing, nor shall he station or place any stand, cart, or vehicle for the transportation, sale or display of any such article or thing. Exception is here made as to any regularly licensed concessionaire acting by and under the authority and regulation of the Park Superintendent.
- B. Advertising. Announce, advertise, or call the public attention in any way to any article or service for sale or hire.
- C. Signs. Paste, glue, tack or otherwise post any sign, placard, advertisement, or inscription whatever, nor shall any person erect or cause to be erected any sign whatever on any public lands or highways or roads adjacent to a park.

§ 264-9. Park operating policy; hours; permit process.

- A. Hours. Except for unusual and unforeseen emergencies, parks shall be open to the public every day of the year during designated hours Dawn. to Dusk. The opening and closing hours for each individual park shall be posted therein for public information.
- B. Closed areas. Any section or part of any park may be declared closed to the public by the Park Superintendent at any time and for any interval of time, either temporarily or at regular and stated intervals (daily or otherwise) and either entirely or merely to certain uses, as the Park Superintendent shall find reasonably necessary.
- C. Lost and found articles. The finding of lost articles by park attendants shall be reported to the Park Superintendent who shall make every reasonable effort to locate the owners. The Park Superintendent shall make every reasonable effort to find articles reported as lost.
- D. Permit. A permit shall be obtained from the Town Clerk or his/her designee before participating in the following park activity:
 - (1) Application. A person seeking issuance of a permit hereunder shall file an application with the Town Clerk. The application shall state:
 - (a) The name and address of the applicant;
 - (b) The name and address of the person, persons, corporation or association sponsoring the activity, if any;

- (c) The day and hours for which the permit is desired;
 - (d) The park or portion thereof for which such permit is desired;
 - (e) An estimate of the anticipated attendance;
 - (f) Any other information which the Town Clerk shall find reasonably necessary to a fair determination as to whether a permit should be issued.
- (2) Fees. Each application shall be accompanied by the appropriate fee and/or bond as required by the regulations of the Park Board.
- (3) Standards for issuance. The Town Clerk shall issue a permit when he/she finds:
- (a) That the proposed activity or use of the park will not unreasonably interfere with or detract from the general public enjoyment of the park.
 - (b) The proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation;
 - (c) That the proposed activity or use is not reasonably anticipated to incite violence, crime or disorderly conduct;
 - (d) That the proposed activity will not entail unusual, extraordinary or burdensome expense or police operation by the Town;
 - (e) That the facilities desired have not been reserved for other use at the day and hour required in the application. Permits shall be issued on a first-come-first-served basis.
- (4) Appeal. Within five days after receipt of an application, the Town Clerk shall apprise an applicant in writing of his reasons for refusing a permit, and any aggrieved person shall have the right to appeal to the Park Board/Town Board in writing within 10 days. The decision of the Park Board/Town Board shall be final.
- (5) Effect and display of permit. A permittee shall be bound by all park rules and regulations and all applicable ordinances fully as though the same were inserted in said permits. Permits shall be in the possession of the permittee at all times and shall be presented for inspection upon request.
- (6) Liability of permittee. The person or persons to whom a permit is issued shall be liable for any loss, damage or injury sustained by any person whatever by reason of the negligence of the person or persons to whom such permit shall have been issued.
- (7) Revocation. The Town Clerk shall have the authority to revoke a permit upon a finding of violation of any rule or ordinance, or upon good cause shown.

§ 264-10. Enforcement.

Any law enforcement officer of the Town or county may without a warrant arrest any offender whom he may detect in the violation of any of the provisions of this chapter and take the person arrested before a Magistrate having competent jurisdiction. He/she shall have at all times the

right to enter the premises of any building, structure, or enclosure in any park or parkway, including such grounds, buildings, structures, or enclosures which may be leased to or set aside for private or exclusive use of any individual or group of individuals for the purpose of arresting violators. Duly authorized law enforcement personnel and Town personnel are exempt from the provisions of this chapter to the extent necessary to perform their duties. Any authorized official from the Town or Washington County Sheriff may issue a citation alleging a violation of this chapter.

§ 264-11. Violations and penalties.

Any person convicted of violating any of the provisions of this chapter shall be subject to a forfeiture of not less than \$50 nor more than \$1,000, together with the costs of the action, and, in default of payment, be imprisoned in the county jail for a period not to exceed 90 days.