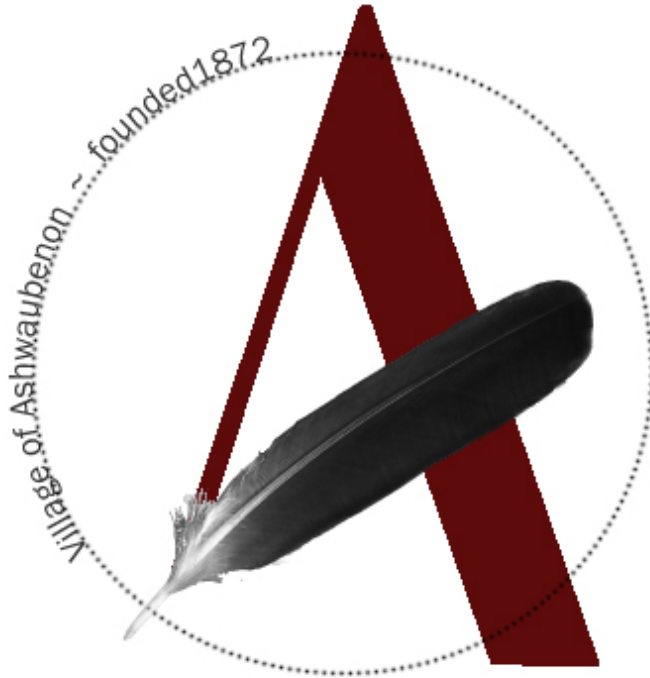


Village of Ashwaubenon

Municipal Code Book

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Chapter 15 - Parks and Recreation

Municipal Code Book

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Chapter 15 - Parks and Recreation

Article 1 - In General

15-1-1 Purpose

The purpose of this Chapter shall be to protect the parks and parkways and appurtenances thereto in the village from fire, abuse and desecration; to provide for the recreational use of these areas; to control and regulate traffic and maintain general order therein; and to further the safety, health, comfort, morals and welfare of all persons while within the limits of the parks and parkways.

(Code 2006, § 19.01; Ord. No. O7-3-02, 7-23-2002)

15-1-2 Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Park or *parkway* means and includes the grounds, buildings thereon, water therein, and any other property which is now or may hereafter be under the control or jurisdiction of the village park board.

Park board means the village park board.

(Code 2006, § 19.02; Ord. No. O7-3-02, 7-23-2002)

15-1-3 Enforcement and Penalties

- (A) *Police Powers.* Any peace officer of the village 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 so arrested forthwith before a court having competent jurisdiction, and the officer 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 or set aside for private or exclusive use of any individual or group of individuals, for the purpose of arresting violators hereof and may use all necessary means to attain that end.
- (B) *Park Security Officers.* The parks, recreation and forestry department may hire park security officers as determined from time to time by the park board.
- (C) *Penalties.* Any person who shall violate any provision of this Chapter or any order, rule or regulation made under this Chapter shall be subject to a penalty as provided in Chapter 1, Section 1-13

(Code 2006, § 19.35; Ord. No. O7-3-02, 7-23-2002)

Article 2 - Regulations

15-2-25 Closing Hours in Parks and Playgrounds

- (A) *Presence prohibited when closed.* All public parks and public playgrounds in the village shall be closed from 10:00 p.m. to 6:00 a.m. No person shall be within the village parks between these hours except for wounded or dead deer retrieval or the following exemption.
- (B) *Exemption.* The village parks, recreation and forestry director may grant permission to any group wishing to use a public park or public playground during closed hours beyond 10:00 p.m. Permission shall be given in writing and shall contain the name of the group, the name of a responsible person in charge of the group and the date for which permission to use the specific public park or public playground beyond the closed hours is granted. The village parks, recreation and forestry director may extend closing hours for activities sponsored by the parks, recreation and forestry department.

(Code 2006, §§ 9.16, 19.03), (Ord. No. 05-5-15, 05-26-15)

15-2-26 Closing Park Facilities to the Public

In case of an emergency, or when in the judgment of the park board or director of parks, recreation and forestry or their desinee it is in the interest of public safety, any portion of the parks or parkways or buildings therein may be closed to the public, or to designated persons until permission is given to return.

(Code 2006, § 19.04)

15-2-27 Interference With Park Employees

No person shall interfere with or in any manner hinder any employee of the village, nor any employee of a contractor while engaged in constructing, repairing or caring for any portion of the parks or parkways, or while in the discharge of the duties conferred by this Chapter.

(Code 2006, § 19.05)

15-2-28 Disorderly Conduct

- (A) No person shall use threatening, abusive, insulting, obscene, or indecent language which constitutes a breach of the peace.
- (B) No person violating any of the prohibitions enumerated in subsection (A) of this section shall be allowed to remain in any park or parkway.

(Code 2006, § 19.06) State law reference— Disorderly conduct, Wis. Stats. § 947.01

15-2-29 Smoking; When Prohibited

- (A) No person shall be permitted to smoke, or to hold a lighted cigarette, cigar or pipe in any building, or section of a building, or in any park or parkway area where officially posted notices so prohibit.
- (B) No person shall throw or drop a lighted cigar or cigarette stub or empty a lighted pipe from an automobile moving along a parkway drive.

(Code 2006, § 19.07)

15-2-30 Waste Disposal

- (A) No person shall scatter, drop or leave any piece of paper, rag, tin can, bottle, glass, peanut shells, melon rinds, banana peels or other garbage, dead flowers or other rubbish in any portion of the parks or parkways, except in the receptacles provided for that purpose.
- (B) No person shall deposit, dump, throw or place any earth, rubbish, dust, manure, paper, garbage or other refuse matter or any sand, stone, lumber or building materials or any substance in the water, grounds or roadways of any park or parkway without written permission of the park board.
- (C) No person shall bring garbage or refuse to any park not related to park use with the intent of depositing the same on park grounds, in waste receptacles or dumpsters.

(Code 2006, § 19.08; Ord. No. O3-4-10, § 1, 3-23-2010)

15-2-31 Excessive Noise Prohibited

Automobile radios, portable radios and television sets must be turned low at all times so as not to be heard from a distance beyond 20 feet from the instrument. No portable radio or television set shall be operated within any building unless specifically permitted in connection with a public gathering or a temporary exclusive use for which a permit has been granted.

(Code 2006, § 19.09)

15-2-32 Permit Required For Advertising, Sales

- (A) No person shall sell, keep or offer for sale any tangible or intangible article, merchandise or thing, nor solicit for any trade, occupation, business or profession or for funds within any park or parkway without the written permission of the director of parks, recreation and forestry.
- (B) No person shall distribute, post, affix or display any card, handbill, sign, placard, target, banner, flag or advertisement of any kind within any park or parkway or upon any of the gates or enclosures thereof without the written permission of the director of parks, recreation and forestry. The term "distribute" shall include the scattering of printed matter from aircrafts.

(Code 2006, § 19.10)

15-2-33 Temporary Class "B" (Picnic) Beer and Wine Licenses

- (A) *Application for temporary license.* Upon approval of the park board to conduct the function on park property, the nonprofit organization or club must apply to the village clerk-treasurer for a temporary beer and/or wine license.
- (B) *Eligibility.* A temporary class "B" (picnic) beer license and a temporary class "B" (picnic) wine license may be issued only to bona fide clubs, fair associations or agricultural societies, churches, lodges or societies that have been in existence for a least six months, and to veterans' organizations pursuant to Wis. Stats. §§ 125.26(6) and 125.51(10).

- (C) *Non-eligibility for license.* An individual, partnership, or business corporation is not eligible for a picnic license as provided in Wis. Stats. §§ 125.26(6) and 125.51(10).
- (D) *Private functions.* A private function (group of ten or more) may be held in a park (i.e., a birthday party, anniversary, etc.) and alcohol consumed upon obtaining permission from the director of parks, recreation and forestry. Alcohol may not be sold at these functions.

(Code 2006, § 19.11) State law reference— Temporary class "B" license, Wis. Stats. §§ 125.26(6), 125.51(10)

15-2-34 Consumption of Intoxicating Liquors and Fermented Malt Beverages in Parks

- (A) Intoxicating liquors and fermented malt beverages may be consumed in Ashwaubomay Park, Ashwaubenon Sports Complex and Klipstine Park Community Center, subject to all of the following conditions:
 - (1) If any person has consumed excessive intoxicating liquors or fermented malt beverages, they may be ejected from the park immediately and shall be responsible for any damages they may have caused in the park.
 - (2) Any group of ten or more persons consuming intoxicating liquors or fermented malt beverages shall have the written permission of the director of parks, recreation and forestry.
- (B) In all parks in the village other than Ashwaubomay Park, Ashwaubenon Sports Complex and Klipstine Park Community Center, intoxicating liquors or fermented malt beverages may be consumed only with written permission from the director of parks, recreation and forestry and a copy of this written permission shall be furnished to the Chief of public safety.

(Code 2006, § 9.18; Ord. No. 9-1-79, 9-25-1979; Ord. No. 8-2-81, 8-25-1981; Ord. No. 3-1-87, 3-24-1987; Ord. No. 02-3-00, 2-8-2000; Ord. No. 07-1-02, 7-23-2002; Ord. No. 07-4-10, § 1, 7-27-2010)

15-2-35 Interference with Permittees Prohibited

- (A) No person shall in any manner disturb, harass or interfere with any person or party holding a written facility reservation permit as indicated previously, nor with any of their equipment or property.
- (B) Permits for the exclusive use of any picnic or play area for any specified date or time may be granted at the discretion of the park board or designee and no person shall in any manner disturb or interfere with any person or party occupying the ground under such a permit, nor with any of their equipment or property.

(Code 2006, § 19.12)

15-2-36 Fireworks and Weapons Prohibited

No person shall fire or discharge any gun, pistol or firearm, nor any rocket, torpedo or any other fireworks of any description, nor shall any person hunt with bow and arrow within any park or parkway. The term "gun" shall include, but is not limited to, air guns and paintball guns.

(Code 2006, § 19.13; Ord. No. 09-6-11, § 1, 9-27-2011)

15-2-37 Throwing of Stones or Missiles Prohibited

No person shall throw stones or missiles in or into any park, parkway or waterway.

(Code 2006, § 19.14)

15-2-38 Making of Fires Restricted

- (A) No person shall make or kindle a fire for any purpose except in places provided for such fires, and then subject to such regulations as may be prescribed.
- (B) The use of charcoal burners in designated picnic areas shall be permitted, provided lawns and other vegetation are not damaged, and provided further that all unburned coals or ash are disposed of in such manner as to prevent fire or damage to any park property.

(Code 2006, § 19.15)

15-2-39 Trespass in Parks Prohibited

- (A) No person shall operate a motor vehicle or any other vehicle or ride a horse or walk in any part of the property in a village park except upon facilities specifically provided for such activity.
- (B) Domestic pets in parks, on trails.
 - (1) Domestic pets are only allowed in parks for the purpose of being walked, on pass-through walkways or pathways, parking lots serving the walkways or pathways, and village trails. Owners are required to clean up any waste deposited by said pet, and properly dispose of off-site.
 - (2) Domestic pets shall be on a maximum eight foot long visible leash. Owners shall be in control of their pet at all times, except by written permission from the director of parks, recreation and forestry.
 - (3) Pets shall not be allowed in Village Park buildings, playgrounds, picnic, sport, or public event areas.
 - (4) Certified service animals and police authorized animals are exempt.
- (C) Snowmobiles are not allowed in parks or parkways except by special permission of the park board.

(Code 2006, § 19.16; Ord. No. O1-2-11, § 1, 1-11-2011)

15-2-40 Fish, Waterfowl, Game Birds and Animal Protected

No one shall injure or attempt to injure any waterfowl or other birds or animals, wild or domestic, within any of the parks or parkways. Unless part of a village board approved wildlife management program, no person shall rob or disturb the nest of eggs of any bird or other animal therein, except with written permission of the park board.

(Code 2006, § 19.17)

15-2-41 Injury to Vegetation, Structures and Equipment Prohibited

- (A) No person shall climb any tree, or pluck any flowers or fruit, wild or cultivated, or break, cut down, trample upon, remove or in any manner injure or deface, write upon or defile any tree, shrub, flower, flower bed, turf, fountain, ornament, statue, building, fence, apparatus, bench, table, official notice, sign, bridge, structure or other property within any park or parkway.
- (B) No person in any park or parkway shall remove any device for the protection of trees or shrubs; nor shall any person fasten a horse or other animal next to any tree, shrub or grass plot which may become damaged by the action of the animal.

(Code 2006, § 19.18)

15-2-42 Removal of Ice or Sand Prohibited

No person shall take ice from any stream or take within any park or parkway, or remove any sand from near any water body without a written permit from the park board.

(Code 2006, § 19.19)

15-2-43 Aircraft Landing Prohibited

No person shall ascend or land with any aircraft, including gliders and parachutes, or engage in stunt flying or parachute landing in any park or parkway without the written permission of the park board.

(Code 2006, § 19.20)

15-2-44 Camping Regulated

No person shall sleep or camp or lodge in any park or parkway except in such places as designated for such purposes, i.e., campground, and then only subject to the rules and regulations of the park board governing the use of such areas. An authorized person charged with guarding such property shall be exempted from this section.

(Code 2006, § 19.21)

15-2-45 Location and Installation of Utility Fixtures

The location of all sewers and receivers, gas pipes, water pipes, hydrants, lampposts, telephone, computer equipment and electric power posts and lines, manholes, conduit and pumps within any park or parkway shall be subject to the jurisdiction and control of the park board; and their construction, erection, repair or relocation shall be undertaken only after written permission is received from the park and village boards.

(Code 2006, § 19.22)

15-2-46 Private Drives and Walks; Design and Installation

- (A) No curb, whether stone, concrete or grass, shall be cut for the purpose of constructing a private driveway across any parkway border or for any other purpose without written permission of the park board.

- (B) The location, width, grade and construction of all paths, driveways and roadways across any sidewalk border along any parkway shall be subject to the approval of the park board and constructed only after written permission is obtained from the park board.
- (C) Any person who receives a permit to open a trench, to cut a curb or to deposit materials in or upon any park or park property shall at all times have the proper barricades to protect people driving or passing along the roadway or sidewalk. Each night while the work is still in progress, the area must be securely fenced and barricaded. The barricade must have a yellow blinking light on it.

(Code 2006, § 19.23)

15-2-47 Park Traffic Regulations

- (A) *Regular drives and parking areas.* No person shall drive any automobile, motorcycle, snowmobile or other vehicle of traffic or burden upon any part of the parks or parkways except the proper drives and parking areas, or permit the same to stand upon the drives or any part thereof so as to congest traffic or obstruct the drive.
- (B) *Vehicles for hire.* No person shall cause any taxi, bus, limousine or other vehicle for hire to stand upon any part of the parks or parkways for the purpose of soliciting or taking in passengers or persons other than those carried to the parks or parkways by such vehicle, unless licensed by the village board.
- (C) *Vehicles prohibited.* No person shall cause any bus, ATV, truck or trailer or any other vehicle carrying goods, merchandise or other articles to drive in any part of the parks or parkway. This subsection shall not apply to vehicles engaged in the construction, maintenance or operations of the parks or parkways or to buses delivering passengers to the parks or picking up passengers at the parks.
- (D) *Traffic codes.* Every person operating an automobile, motorcycle, snowmobile or other vehicle of traffic or burden within the parks or parkways shall comply with the state, county and municipal traffic codes and with all orders, directions and regulations of traffic officers or regulations officially displayed on any post, standard, sign or device installed for the regulation of traffic.
- (E) *Speed of vehicles.* The park board shall cause signs to be erected indicating speed limits on roads and drives. Where no such signs are posted, the speed shall in no case be greater than 15 miles per hour.
- (F) *Traffic controls.* The park board shall cause to be erected such other traffic control signs as are necessary for the proper regulations and safe movement of vehicles, pedestrians and equestrians.
- (G) *Parking regulations.* Vehicles normally shall be parked in designated parking areas. Parking along roads and drives may be controlled by appropriate signs.

(Code 2006, § 19.24)

15-2-48 Regulation of Bicycle Riders

Riders of bicycles shall comply with the rules for the regulation of other vehicles, as stated in section 15-47.

- (A) Bicyclists have the same rights and responsibilities as vehicle operators as defined by Wis. Stats. § 346.02.
- (B) No person shall ride a bicycle upon the lawns in any parks.
- (C) Whenever possible, bicycles shall be parked in places provided for such purpose.

(Code 2006, § 19.25)

15-2-49 Bathing and Swimming Regulations

Bathers and swimmers shall comply with the following regulations:

- (A) No person shall wade, bathe or swim within a park or parkway except at such pools or beaches as are or may be designated for that purpose by the park board.
- (B) No person shall wade, bathe, swim in or attend any such pool or beach without proper bathing attire. No thong-type swimwear is permitted.
- (C) No person shall take any aluminum cans, bottles or glassware of any kind, except eyeglasses, into an area designed as a beach or pool for bathers by the park board.
- (D) Any other rules and regulations which may be posted at beaches, pools or in bathhouses or other buildings shall be followed by all bathers or swimmers.

(Code 2006, § 19.26)

15-2-50 Restrictions in Bathing Area

No person shall enter any designated bathing area with any horse, motor vehicle or boat.

(Code 2006, § 19.27)

15-2-51 Driving on Beaches Prohibited

No person shall operate a motor vehicle on any beach within the village except municipally owned vehicles engaged in maintenance work.

(Code 2006, § 19.28)

15-2-52 Boating Regulations

- (A) Wis. Stats. §§ 30.50—30.71 are adopted by reference and made a part of this Chapter. Any violation of any provision of such sections shall be a violation of this Chapter.
- (B) Except under Wis. Stats. § 30.69(3), no person may operate a motorboat within 100 feet of any dock, raft, pier or buoyed restricted area on any waters at a speed in excess of slow-no-wake speed.

(Code 2006, § 19.29) State law reference— Regulations regarding boating, Wis. Stats. § 30.50 et seq.

15-2-53 Permits; Leasing of Equipment; Rules; Tents

- (A) *Permits.* All permits shall be issued by a duly authorized employee of the parks, recreation and forestry department in writing and subject to park rules and regulations as fully as though the same were inserted in such permits, and any person or persons to whom such permits have been granted shall be liable for any loss, damage or injury sustained by the park board, or by a person by reason of the negligence of the person to whom such permits have been granted, their servants or agents.
- (B) *Leasing of equipment.* The park board may lease equipment suitable for recreational purposes to private or public organizations upon such terms as it may determine; provided that any such lease shall contain the provision binding the lessee to save and keep the village harmless from any and all liability whatsoever arising out of the leasing and use of such equipment; and provided further that the park board may, in its discretion, in each case require the lessee to provide public liability insurance covering the use of such equipment.
- (C) *Supplementary rules.* Until otherwise directed by the village board, the park board may adopt additional or revised rules and regulations for the proper conduct and administration of the parks and parkways in the village not inconsistent with this chapter, and may perform any other acts with reference to the management of the parks and parkways as are lawful and as they may deem expedient to promote beauty and usefulness of the parks and parkways and to increase the comfort, safety, convenience and public welfare of the citizens of the village and of visitors to the parks and parkways in their use of the same.
- (D) *Tents in parks.* The director of the department of parks, recreation and forestry may issue a permit to allow groups and individuals to put a tent in a village park, contingent upon approval by the building and fire inspectors and application with the village clerk-treasurer.

(Code 2006, § 19.30)

15-2-54 Glass Containers Prohibited

- (A) *Prohibition.* The use of glass beverage containers of any measure or kind whatsoever is hereby prohibited in all parks in the village.
- (B) *Public warning.* The director of parks, recreation and forestry is hereby instructed to post in all parks in the village public signs warning all users of the parks that the use of glass beverage containers of any nature or kind whatsoever is prohibited.

(Code 2006, § 19.31)

15-2-55 Regulating Water Traffic, Boating and Water Sports Upon the Waters of Ashwaubenon Creek

- (A) *Intent.* The intent of this section 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.
- (B) *Applicability and enforcement.* The provisions of this section shall apply to the waters of Ashwaubenon Creek within the jurisdiction of the village. The provisions of this section shall be enforced by the officers of the public safety department.

- (C) *State boating and safety laws adopted.* State boating laws as found in Wis. Stats. §§ 30.50—30.71 are adopted by reference.
- (D) *Restricted areas.* The following parts of Ashwaubenon Creek shall be restricted to slow-no-wake: from the Fox River to the Broadway Bridge.
- (E) *Boating regulations and restrictions.*
 - (1) No person shall operate any watercraft at any time in any restricted area as described in subsection (D) of this section or adjacent waters at a speed greater than slow-no-wake.
 - (2) No person shall operate any watercraft during the hours from one-half hour after sunset to sunrise at a speed greater than slow-no-wake.
- (F) *Buoy placement.* Slow-no-wake areas in Ashwaubenon Creek are marked by:
 - (1) Four slow-no-wake buoys.
 - (2) Twenty red cans.
 - (3) Twenty green cans.
- (G) *Permits.* Notwithstanding any of the provisions of subsections(A)—(F) of this section, the village may issue permits for the purpose of conducting water shows, water skiing shows and spectacles by public or private groups or organizations. Such permits shall be obtained from the park board. Proof of insurance must be shown at the time of application.
- (H) *Penalties.* State boating penalties as found in Wis. Stats. § 30.80 are adopted by reference.

(Code 2006, § 19.32)

15-2-56 Posted Park Rules and Regulations

No person shall violate any posted park rules and regulations within the village parks and parkways. The village park board shall determine posted rules and regulations from time to time by resolution.

(Code 2006, § 19.33)

15-2-57 Use of Metal Detectors

Metal detectors may not be used in any village park. Under special circumstances, the parks, recreation and forestry director may allow their use on a one-time, limited-use basis.

(Code 2006, § 19.36)

15-2-58 Golfing in Parks

Golfing is prohibited in any village park.

(Code 2006, § 19.37)

15-2-59 Use of Park Facilities for Profit

Any person giving paid private tennis lessons on the village's tennis courts or using other park property or facilities for profit shall obtain a permit from the parks, recreation and forestry department and pay a rental fee determined by the park board. Private lessons or other for-profit activities will be scheduled by the parks, recreation and forestry department so as to not conflict with other public uses and scheduled activities.

(Code 2006, § 19.38; Ord. No. O4-6-03, 4-22-2003)