

CHAPTER 72

PARKS AND RECREATION

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CHAPTER 72

PARKS AND RECREATION

SECTION 72.01 Definitions. As used in this Chapter:

- (a) **“Director”** shall mean the head of the Village Parks, Recreation and Conservancy Department or his or her designee.
- (b) **“Parks”** shall include all grounds, structures and water courses which are or may be located within any area dedicated to public use as a park, parkway, recreational facility or conservancy district in the Village.
- (c) **“Prairie Area”** shall mean any park or detention basin so designated by resolution of the Village Board to be established, preserved or maintained in a natural prairie state.

SECTION 72.02 Purpose and Intent.

The regulations set forth in this chapter are intended to protect and preserve the parks, parkways, recreational facilities and conservancy areas within the Village from injury, damage or desecration and to provide for the maintenance of certain park areas designated by the Village Board in a natural state.

SECTION 72.03 Specific Regulations.

- (a) **Park Hours.**
 - (1) Public parks within the Village shall be open to the public beginning at 5:00 a.m. daily and shall be closed, and all activities therein shall be terminated, at 10:00 p.m. daily. No person shall enter or remain in any park at any time other than as provided in this section, unless specific written authority is first obtained from the Director.
 - (2) The Director may extend the hours of operation for any park for a specified event. Any such extension shall specify the date and description of the event, the alternative opening or closing time approved and any restrictions imposed by the Director as a condition of the extension.
 - (3) The provisions of this Section shall not apply to parks used specifically during the weekend of the Cross Plains World’s Fair.
- (b) **Littering Prohibited.** No person shall litter, dump or deposit any rubbish, refuse, earth or other material in any park.
- (c) **Sound Devices.** No person shall operate or play any amplifying system unless specific written authority is first obtained from the Director.
- (d) **Reserved.** *Repealed on December 12, 2016 by Ord. 08-2016.*
- (e) **Firearms, Fireworks, Bows and Arrows.** No person shall shoot, fire or discharge any gun or pistol, nor possess, shoot, fire or discharge any rocket, torpedo, missile, bow and arrow, crossbow, slingshot or any fireworks or explosive device of any

description, within or into any park unless specific written authority is first obtained from the Director. The word “gun” shall include firearms, gas-operated guns, pellet guns or any other device which will propel projectiles.

- (f) **Removal of Park Equipment Prohibited.** No person shall remove benches, seats, tables or other park equipment from any park.
- (g) **Camping.** No camping shall be permitted in any park, except when prior approval of the Director is first obtained.
- (h) **Trapping.** No person shall trap in any park unless specific written authority is first obtained from the Director.
- (i) **Making of Fires.** Except as provided in sec. 72.06, 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.
- (j) **Horse and Carriages.** No person shall ride a horse or drive a horse-driven vehicle in any park, except on roads or designated bridle paths, except when approval of the Director is first obtained. It shall be unlawful for any person to ride a horse or drive a horse-drawn vehicle in a careless, negligent or reckless manner which may endanger the safety and well-being of others.
- (k) **Bicycles.** All ordinances of the Village relating to the use of bicycles shall be applicable in all parks. Bicycles shall be parked only in areas so designated.
- (l) **Interference With Permittee Prohibited.** No person shall in any manner, harass, disturb or interfere with persons holding written permits granted by the Commission for the use of parks, shelter areas or park facilities.
- (m) **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.
- (n) **Reserved.** *Repealed on December 12, 2016 by Ord. 08-2016.*
- (o) **Glass Beverage Bottles in Parks Prohibited.** No person shall possess any glass beverage bottle within the limits of the parks of the Village.
- (p) **Trespass in Parks.** The Director may declare that a public park, or some portion thereof, is closed if the Director, or his or her designee, determines that use of the park for an organized sports activity may threaten the safety of persons at the park or may damage the park. If such a declaration is made, the Director shall take reasonable measures to make the declaration known to the public. If such a declaration is made and such measures are taken, no person may enter or remain on any such closed park property for a period of 12 hours after the cancelled or delayed organized sports activity. This subsection does not apply to any person who has permission from said Director to so enter or remain.

- (q) **Administrative Rules.** In addition to the specific regulations this Section sets forth, the Director or the Village Clerk may promulgate administrative rules governing the use of parks and park facilities within the Village. Such rules shall be made with the purposes of protecting the health, safety, comfort and welfare of the users of the parks and facilities and others who may be affected by activities occurring in the parks, and of minimizing adverse impacts to the parks, park facilities and surrounding properties. Rules promulgated under this section shall take effect immediately upon posting of the rules at the affected facility, and shall continue in effect until rescinded by the officer adopting the rule or the Commission.
- (r) **Pets.** No person shall permit any dog, cat or other pet (collectively “pets”) owned by him to be in any Village park except under the following conditions:
- (1) No person shall allow any pet owned by him to be within 30 feet of any public building, picnic shelter/area, ballfield or playground.
 - (2) No person shall allow any pet to run at large in any Village park, except in a designated pet area or dog park.
 - (3) All persons bringing a pet into a Village park shall secure their pet(s) on a leash 10 feet in length or shorter and maintain their animal (s) under control, meaning connected to a leash held by a person at all times and control the action and conduct of the animal. All persons bringing an animal into a public area shall not allow the animal to have contact with another person, domestic animal or wild animal without prior consent from the person or owner of the animal.
 - (4) Leashed pets shall be allowed on sidewalks, trails and pathways within the park.
 - (5) All pets must display current rabies tag and current registration tags.
 - (6) All pet waste must be immediately picked up and disposed of. Bags, scoops or other appropriate implements for the removal of pet waste must be carried by a person bringing a pet onto Village park property.
 - (7) This subsection shall not apply to certified guide dogs or service animals that are under control by the use of a harness or leash with special cape and are accompanying blind, deaf or mobility impaired persons.
 - (8) This subsection shall not apply to any canine or police work dog that is assisting the Cross Plains Police Department.

SECTION 72.04 Use of Parks; Permits.

- (a) The Village owned parks, park facilities and shelter areas in the Village are primarily for the nonexclusive use of the residents of the Village. However, under proper circumstances, exclusive use of the same may be permitted. This section is intended to regulate exclusive use of Village owned parks, park facilities and shelter areas in the Village to the end that the general welfare of the Village is protected.

- (b) A person, group, firm, organization, partnership or corporation may reserve the use of a park, park facility or shelter area located in the Village by written application filed with the Director for a permit for exclusive use of the same.
- (c) Applications may be filed with the Director any time after January 2, of each year for use of a park, park facility or shelter area, but any application shall be filed at least 14 days prior to the date on which the exclusive use is requested and shall set forth the following information regarding the proposed exclusive use:
 - (1) The name, address and telephone number of the applicant.
 - (2) If the exclusive use is proposed for a group, firm, organization, partnership or corporation, the name, address and telephone number of the headquarters of the same, and the responsible and authorized representative of the same.
 - (3) The name, address and telephone number of the person who will be responsible for the use of said park, area or facility.
 - (4) The date when the exclusive use is requested and the hours of the proposed exclusive use.
 - (5) The anticipated number of persons to use said park, area or facility.
 - (6) Any additional information which the Director finds reasonably necessary to a fair determination as to whether a permit should be issued.
- (d) Applications for the exclusive use of a park, park facility or shelter area shall be approved by the Director and shall be evaluated in the order of the request.
- (e) The Director shall act as promptly as reasonably may be on all applications for permits after consulting with the applicant, if necessary.
- (f) The application shall be denied for any of the following reasons:
 - (1) If it is for a use which would involve a violation of Federal or state law or any provision of this Code.
 - (2) If the granting of the permit would conflict with another permit already granted or for which application is already pending.
 - (3) If the application does not contain the information required by sub. (c) above.
 - (4) If it is for a use of a park, park facility or shelter area at a date and time when, in addition to the proposed use, anticipated nonexclusive use by others of the park, park facility or shelter area is expected and would be seriously adversely affected.
 - (5) If the policing of the exclusive use will require so large a number of persons as to prevent adequate law enforcement to the park, park facility or shelter area involved or of the rest of the Village.
 - (6) The exclusive use will reasonably create a substantial risk of injury to persons or damage to property.
 - (7) The exclusive use is so poorly organized that participants are likely to engage in aggressive or destructive activity.
- (g) The application may be denied for any of the following reasons:
 - (1) If the applicant is not a resident of the Village.
 - (2) If the exclusive use is proposed for a group, firm, organization, partnership or corporation and the said group, firm, organization, partnership or

corporation does not have its headquarters, principal place of business or hold regular meetings in the Village.

- (h) Prior to granting any permit, the Director may require the permittee to file evidence of good and sufficient sureties, insurance in force or other evidence of adequate financial responsibility, running to the Village and such other third parties as may be injured or damaged, in an amount depending upon the likelihood of injury or damage as a direct and proximate result of the exclusive use sufficient to indemnify the Village and such third parties as may be injured or damaged thereby, caused by the permittee, its agents or participants. Whether or not sureties are required, the permittee shall fully reimburse the Village for any expenses it incurs to repair any damage (beyond normal wear) to the park or park facilities, to clean the reserved area at the expiration of the permit, to replace any keys or re-key any locks upon a failure of the permittee to return all keys to the Village and any cost incurred in obtaining such reimbursement, including reasonable attorney fees.
- (i) A permit is not required for exclusive use of a park, park facility or shelter area sponsored by the Village.
- (j) The Director, after granting a permit, may revoke a permit already issued if it is deemed that such action is justified by an actual or potential emergency due to weather, fire, riot, other catastrophe or likelihood of a breach of the peace or by major change in the conditions forming the basis of the issuance of the permit.
- (k) Each permit shall be in a form prescribed by the Director and shall designate the park, park facility or shelter area involved, date, hours of the exclusive use, purpose of the exclusive use and the name of the person, group, firm, organization, partnership or corporation to which the permit is issued.
- (l) All applications for park use permits shall be accompanied by a fee and key/cleanup deposit according to a schedule adopted by Resolution of the Village Board.
 - (1) Deposits made pursuant to this subsection shall be returned to the applicant if the facilities for which the permit was issued are surrendered in a clean and undamaged condition upon expiration of the permit and all keys issued for access to the facilities are returned to the Village on the next business day. In the event the permittee is liable to the Village for any loss or damage, the amount thereof may be retained from the deposit and the balance, if any, returned to the permittee. Any deposit retained shall be deemed partial satisfaction of the permittee's liability to the Village and neither the retention of the deposit nor return thereof shall preclude the Village from recovering the balance of the amount due.
 - (2) The Village Board shall have the authority to waive permit fees upon request by the applicant. In considering such requests, the Village Board shall consider the proposed location of the event, whether or not the proposed event is open to the public, any admission or participant fees to be charged, and whether or not the event is sponsored by a governmental or by a not-for-profit organization.

SECTION 72.05 Alcoholic Beverages in Village Parks.

- (a) It is unlawful for any person to possess or consume an alcoholic beverage in any Village park between the hours of 10:00 p.m. and 5:00 a.m. except as provided in Subsections (b) and (c).
- (b) An alcoholic beverage license issued by the Village for a particular event may state that it is unlawful for any person to possess or consume an alcoholic beverage at the event after an hour later than 10:00 p.m. The later hour must be stated on the license for the later hour to be effective.
- (c) An alcoholic beverage license issued by the Village for a particular event may state that the event is a wristband event. The alcoholic beverage license issued by the Village for a wristband event may state that it is unlawful for any person to possess or consume an alcoholic beverage at the event after an hour later than 10:00 p.m. The later hour must be stated on the license for the later hour to be effective. If an event is designated as a wristband event, a person may possess or consume an alcoholic beverage outside any fenced area on the licensed premises only if the person is eligible to wear, and is wearing, an authorized wristband event wristband.

SECTION 72.06 Burning of Prairie Areas.

- (a) **Prohibition.** No person shall ignite, or cause to be ignited any living or dead vegetation within any park, except as specifically provided in this section.
- (b) **Maintenance Burning of Prairie Areas.** The Director shall, prior to March 1 of each year, determine which prairie areas or parts thereof, within the Village should be burned in accordance with accepted prairie habitat management practices and authorize the fire chief to cause the burning of such prairie areas.
- (c) **Procedures for Burning.**
 - (1) The Director shall specify the date or dates upon which each designated area shall be burned and cause notice thereof to be published in a newspaper likely to give notice to residents within the Village. Such notice shall include a statement that any such dates may be postponed at the discretion of the Director without further notice.
 - (2) The Fire Chief shall, to the extent practicable, adhere to the schedule published pursuant to sub. (1), provided, however, that any schedule so established shall be modified as necessary to maximize the safety of firefighters and the public. In establishing a schedule and in making any modification thereto, the chief shall consider the following:
 - a. The requirements of any applicable fire code and any other applicable statute, regulation or ordinance;
 - b. All applicable firefighting standards and practices;
 - c. Weather and all other environmental conditions including, but not limited to, wind speed and direction, moisture, temperature and any

- other condition which may affect the amount of smoke generated, the dispersion thereof or control of the fire;
- d. The safety of firefighters and other personnel engaged in the burning operation and of the citizens and their property;
 - e. The adequacy of available personnel, equipment and supplies, including the supply of water;
 - f. Any other factor which may affect the health or safety of any person, the efficiency of the burning operation, the environmental effects thereof or the training benefits obtained by the Fire Department.
- (3) All burning operations authorized by this section shall be conducted under the direction and control of the Fire Chief. Each such operation shall be directly supervised by the Chief or Assistant Chief.
- (d) **Liability.** Nothing in this section shall be construed to create or increase any liability which might otherwise be imposed upon the Fire Chief, the Fire Department or any of its officers or members, the Fire Board, the Village or any of its boards, commission, officials or employees to any third party.

SECTION 72.07 Enforcement and Penalty.

- (a) **Enforcement.** The Director, the Chief of Police or any law enforcement officer designated by the Chief, may suspend any person from further use of any park for violation of any rules adopted under 72.03. Such suspension shall remain in effect for the duration thereof as determined by the Director, Chief or officer when the suspension is imposed. The imposition of a suspension under this paragraph may be appealed to the Village Board. The pendency of an appeal shall not stay a suspension. The Director shall refer any rule violations which also constitute violations of any ordinance of the Village to the Police Department for citation and prosecution.
- (b) Any person who violates any provisions of this subchapter, including a violation of any suspension issued under subsection (a) above, shall be subject to a penalty as provided in sec. 1.09 of this Code.