

# TITLE 12

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## **Parks and Recreation**

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# Title 12 ► Chapter 1

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## Parks and Navigable Waters

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### Sec. 12-1-1 Park Regulations.

- (a) **Purpose and Definition.** In order to protect the parks, parkways, recreational facilities and conservancy areas within the City of Owen from injury, damage or desecration, these regulations are enacted. The term "park" as hereinafter used in this Chapter shall include all grounds, structures and watercourses which are or may be located within any area dedicated to the public use as a park, parkway, recreation facility, playground, recreational area, athletic fields, river/lake access sites, or conservancy area in the City of Owen.
- (b) **Definitions.**
- (1) **Parks.** Includes all existing, proposed and future municipal property set aside for active or passive use of leisure time.
  - (2) **Park Facilities.** Any park area, equipment or structure that has been set aside with a specific use intended.
  - (3) **Playgrounds.** An area, either within a larger park area or a small area set aside for the purpose of promoting imaginative and creative play of school children and providing a means of physical exercise through the use of play apparatus.
  - (4) **Swimming Areas.** Any open swimming area developed with the intent for use for swimming purposes and under the supervision of a professional lifeguard.
  - (5) **Conservancy or Green Belts.** Areas of municipally owned lands that are intended to serve an environmental control function such as erosion control, flood control and groundwater preservation which land is not generally desirable for public development, but may include any special interest activities which may lend themselves to the area, such as trails.

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- (6) **Open Spaces.** Areas of municipally owned lands maintained in their natural state, thus supporting native plants and animals.
  - (7) **Public Property.** All municipally owned parks, park facilities, playgrounds, swimming areas, green belts, conservancy areas, open spaces, streets, parking facilities and easements for public use.
- (c) **Specific Regulations.**
- (1) **Littering Prohibited.**
    - a. No person shall litter, dump or deposit any rubbish, refuse, earth or other material in any park. 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.
    - b. No person shall throw, discharge, or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream, bay or other body of water in or adjacent to any park or any tributary, stream, storm sewer, 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.
  - (2) **Sound Devices.** No person shall operate or play any amplifying system unless specific authority is first obtained from the Common Council, or designated committee thereof.
  - (3) **Bill Posting.** No person shall post, paste, fasten, paint or attach any placard, bill, notice, sign or advertising matter upon any structure, tree or other natural object in any park, except park regulations and other signs authorized by the Common Council or designated committee thereof.
  - (4) **Throwing Stones and Missiles Prohibited.** No person shall throw stones or other missiles in or into any park.
  - (5) **Removal of Park Equipment Prohibited.** No person shall remove benches, seats, tables or other park equipment from any park.
  - (6) **Trapping.** "Trapping" when used in this Section includes the taking, or the attempting to take, of any wild animal by means of setting or operating any device, mechanism or contraption that is designated, built or made to close upon, hold fast or otherwise capture a wild animal or animals; live traps on a person's property are excluded. The trapping of wild animals is hereby prohibited in City parks unless authorized by the Common Council.
  - (7) **Making of Fires.** 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. Control of the fire and the smoke will be the responsibility of the person using such a fire.

- (8) **Protection of Park Property.**
- a. No person shall kill, injure or disturb or attempt to injure or disturb waterfowl, birds or animals, wild or domestic, within any park, except as permitted by this Chapter. 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, fireplace, monument, railing, waterline improvement, ornament, building, structure, apparatus, bench, table, official notice, sign or other property within any park.
  - b. No person shall deface, by throwing stones, pebbles or other debris at any of the toilets, bubblers or other sanitary facilities located in any City park; or to deface by drawing with crayon, chalk, paint, or anything else on any of the buildings or equipment at any City park; or to deface the equipment by means of a sharp instrument.
- (9) **Motorized Vehicles.** Except for authorized maintenance vehicles, no person shall operate an unlicensed or licensed motorized vehicle outside of areas specifically designated as parking areas or areas where the operation of such vehicles is specifically permitted. Motor vehicles are restricted to the roads and drives and parking areas. No motor vehicles of any nature may be used on the seeded areas except vehicles which have Common Council authorization for shows, rides or exhibits and then only for the purpose of loading and unloading.
- (10) **Snowmobiles.** No person shall operate a snowmobile in a City park except in designated areas. Snowmobiles shall only be operated on designated trails.
- (11) **Speed Limit.** No person shall operate any vehicle in a City park in excess of ten (10) miles per hour unless otherwise posted.
- (12) **Glass Beverage Bottles in Parks Prohibited.** No person shall bring into, carry onto or possess while in any public park glass bottles or glass containers, including those containing or normally used for containing soda water, fermented malt beverages or alcoholic beverages.
- (13) **Reckless Driving in Parks Prohibited.** No person shall operate a motor vehicle in a reckless manner in any of the public parks of the City.
- (14) **Parking in Parks.** No person shall park any motor vehicle in any park in the City except in a designated parking area.
- (15) **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 Common Council is first obtained. It shall be unlawful for any person to ride a horse or drive a horse-driven vehicle in a careless, negligent or reckless manner which may endanger the safety and well-being of others. Horseback riding shall be allowed only during the daylight hours. No person shall ride a horse which cannot be held under such control that it may be easily turned or stopped.

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- (16) **Removing Tree Protectors.** No person shall remove any device for the protection of trees or shrubs.
- (17) **Golfing and Sporting Activities.** No golfing or practicing golf in City parks or recreation areas shall be allowed except with the use of a whiffle ball. All sporting activities must be held in areas so designated for that purpose.
- (18) **Arrows.** No person shall use or shoot any bow and arrow in any City park, except in authorized areas.
- (19) **Fees and Charges.** The Common Council shall have the authority to establish such fees as deemed necessary for use of any park facility, shelter or land area. It shall be unlawful to use such areas without payment of such fee or charge when required.
- (20) **Firearms; Hunting.** Possessing or discharging of any firearm or weapon of any kind is prohibited in all City parks.
- (21) **Fish Cleaning.** Cleaning of fish in shelters, toilet facilities or picnic areas is prohibited in all City parks.
- (22) **Controlled Substances.** Possessing, using or dispensing of a controlled substance in violation of the Uniform Controlled Substances Act is prohibited in all City parks.
- (23) **Vendors Restricted.** No person shall sell, vend or give away any article of merchandise whatever, without a written permit from the Common Council. No person shall expose or offer for sale any article or thing nor station or place any stand, cart, or vehicle for the transportation, sale or display of any such article or thing, excepting regularly authorized concessionaires acting by and under the authority and regulation of the Common Council unless special permission is granted by the Common Council during a special event.
- (24) **Alcohol Beverages.** The consumption or possession of alcohol beverages in City parks shall be as regulated by Section 11-4-1.
- (25) **Pets.** Dogs and any other pets must be kept on a leash and under control at all times; pet owners are responsible for cleanup of pet waste.
- (26) **Skates.** No skateboards, inline skates or roller skis will be permitted in the park at any time, except in designated areas.
- (27) **Restrooms and Washrooms.** No person shall fail to cooperate in maintaining restrooms and washrooms in a neat and sanitary condition. No person over the age of five (5) years shall use the restrooms and washrooms designated for the opposite sex.
- (28) **Misuse of Equipment.** Jumping, standing or misuse will not be permitted on any bench, bleachers or picnic tables; any misuse or use with intent to do damage will be considered vandalism and may result in dismissal from the park.
- (29) **Loitering on Equipment Preventing Use.** No loitering is permitted on playground equipment so as to disrupt use by persons waiting to use such equipment.
- (30) **Responsibility for Equipment Damage.** Any person or persons causing any damage to property in the City park shall be punished and/or fined under the appropriate ordinance and be required to make full and complete restitution.

- (31) **Camping.** Overnight camping is permitted only in Crowley Park's designated campground area.
- (32) **Satellite Toilets; dumpsters.** It will be the obligation of civic organizations or other major park users to provide satellite toilets and extra garbage dumpsters during the time of celebrations or special events.
- (33) **Waste Disposal Restrictions.** No person shall dispose of any garbage, bottles, tin cans or any other solid waste material, including demolition material, in any City park where the waste is generated from outside of the City park property.
- (34) **Bicycle Use Restrictions.** No person shall ride a bicycle or skateboard or rollerblade in a reckless manner or ride in and around any bleacher area or shelter house areas. All bicycles will be placed in bicycle racks when unattended. No bicycles are permitted in any park building whether ridden or parked there for any reason.
- (35) **Picnic Areas.** No person in a park shall leave a picnic area before a fire in the said picnic area is completely extinguished and before all trash, garbage and other refuse in the said picnic area is placed in the disposal receptacles provided for that purpose.
- (36) **Bathing and Swimming.** Swimming is not permitted in any City park.
- (37) **Tents.** Except in designated campground areas in Crowley Park, no tent or other temporary structure or obstruction may be erected in any City park without the authorization of the Director of Public Works.
- (38) **Waterway Use Regulations.**
  - a. No person shall operate a watercraft on any City waterways using a gas motor. Exceptions are by an approved Special Permit.
  - b. Organizations wanting to hold events on any City waterways must apply at City Hall for a Special Permit. The application will be presented to the Common Council for final approval.

*Cross-Reference:* Section 11-4-1.

## **Sec. 12-1-2 Operation of Remote or Radio-Controlled Airborne Toys or Devices Prohibited.**

It shall be unlawful for any person to fly, operate or make use of any remote or radio-controlled model airplane, helicopter, or any other airborne device in, over or upon any street, park or other public or private property except in areas specifically designated and posted for such purpose and with the consent of the property owner or lessee of the property.

## **Sec. 12-1-3 Turf Protection on Public Property.**

Except as authorized by the Common Council, no person shall dig into the turf of any City-owned park or recreational property for any purposes whatsoever or remove any trees or flowers. Absent authorization by the Common Council, the use of metal detectors and digging for buried

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objects on City parks or recreational property, except beaches where no vegetation is present, is prohibited.

**Sec. 12-1-4 Park Hours.**

(a) **Park Hours.**

- (1) **Closing Hours.** City parks shall be closed from 10:00 p.m. to 6:00 a.m. each day of the year, except that the closing time on Friday and Saturday nights shall be 11:00 p.m.
- (2) **Violations.** It shall be unlawful for any person to park, drive, camp, congregate, loiter, wander, stroll, stand, play or travel in or upon the confines of a City park during the hours it is closed.
- (3) **Exceptions.** The restrictions set forth in Subsection (a)(2) above shall not apply to the following individuals:
  - a. Individuals who are participating in or attending an organized ball game at an athletic facility. This exception applies only to ball games sponsored by an organized league or club which has City approval to use the facility. However, all such individuals exempted by this subparagraph shall be out of the park within one-half (1/2) hour of the end of the ball game.
  - b. Individuals who are attending or participating in community celebrations or events held at the park. However, all such individuals exempted by this subparagraph shall be out of the park within one-half (1/2) hour of the end or closing of the celebration or the event for that evening.
  - c. Individuals or groups who are given special permission by the Chief of Police or the Common Council to camp overnight at the park.
  - d. Individuals or groups who have received permission from the Comon Council for any special group activity.
  - e. Individuals who are law enforcement officers, firefighters, emergency personnel, City employees or City officers who are in the course of their official duties.

- (b) **Park Closing and Opening Dates.** The Chief of Police, Mayor, or Common Council will have full authority to open and close any park, facility or area because of weather conditions, physical condition, construction or when, in the interest of public safety, it is deemed necessary.

**Sec. 12-1-5 Reservation of Park Space.**

- (a) **Policy on Reservation.** The City-owned park and park facilities and shelter/pavilion buildings are primarily for the nonexclusive use of the residents and visitors of the City of

Owen. However, under proper circumstances, exclusive use of the same or parts thereof may be permitted. This Section is intended to regulate exclusive use of municipally-owned parks, park facilities, park shelters, park pavilions, or parts thereof, excluding camping areas, in the City to the end that the general welfare of the City is protected.

- (b) **Reservation of Park Space.** A person or group, firm organization, partnership or corporation may reserve the use of an entire park or a park pavilion, park facility or a park shelter by contacting the City Clerk-Treasurer for a reservation for exclusive use of the same. The City Clerk-Treasurer shall approve reservations for exclusive use of a portion of a park, park pavilion, or park shelter, while the Common Council shall issue permits for the exclusive use of an entire City park. Park facilities are reserved on a first-requested, first-reserved basis. A park/facilities reservation form shall be completed prior to the reserved date of use, and parties shall agree to comply with the conditions of use prescribed in this Chapter and any additional use requirements of the City.
- (c) **Applications.** Applications shall be filed with the City Clerk-Treasurer at least ten (10) days prior to the date on which the exclusive use of an entire park is requested, or by telephone to the Clerk-Treasurer on a first-come, first-served basis prior to the date on which a park shelter, park pavilion or a portion of a park is to be reserved, and shall provide 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 heads or partners of the same.
  - (3) The name, address, email address and telephone number of the person who will be responsible for the use of the said park, park pavilion, area or facility.
  - (4) The date when the exclusive use is requested and the hours of the proposed reservation.
  - (5) The anticipated number of persons to use the said park, area or facility.
  - (6) Any additional information which the Common Council or City Clerk-Treasurer finds reasonably necessary to a fair determination as to whether a permit should be issued.
- (d) **Reasons for Denial.** Applicants may 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 of Ordinances.
  - (2) If the granting of the reservation 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 Subsection (c) above.
  - (4) If it is for a use of the park or park facility at a date and time when, in addition to the proposed use, anticipated nonexclusive use by others of the park or park facility is expected and would be seriously adversely affected.
  - (5) If the law enforcement requirements of the exclusive use will require so large a number of persons as to prevent adequate law enforcement to the park, park pavilion, park facility or shelter area involved or of the rest of the City of Owen.



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- (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.
- (e) **Indemnification.** Prior to granting any reservation for exclusive use of the park, the City 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 City 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 City of Owen and such third parties as may be injured or damaged thereby, caused by the permittee, its agents or participants.
- (f) **Reservation Procedures Not Required For City Activity.** A reservation is not required for exclusive use of the park or a park facility sponsored by the City of Owen.
- (g) **Permit Revocation.** The Common Council, Mayor, Clerk-Treasurer, Director of Public Works, and/or Chief of Police after granting a permit may revoke a reservation already authorized 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 a major change in the conditions forming the basis of the issuance of the reservation.
- (h) **Deposits; Fees.** No fees are required for reservation of a park facility, pavilion or shelter, except that there is a fee for use of the Mill Pond Park concession stand.
- (i) **Class B Fermented Malt Beverage Licenses.** When fermented malt beverages are sold at any event authorized by this Section, a valid Fermented Malt Beverage license shall be obtained and the provisions of Sections 7-2-11 and 11-5-1 shall be fully complied with. Said license must be held by the person who filed the original license and shall be presented to any law enforcement officer upon request.
- (j) **Care of Facilities.** Persons reserving City facilities shall be completely responsible for cleaning up the facilities after the event to the satisfaction of City officials. All reserved areas shall be left in a clean condition, with refuse placed in containers provided for such purpose. Any organization or corporation reserving any area in a City park shall agree to assume full responsibility for all damage to City property by any invitee of said organization or corporation and shall make full payment therefore upon billing by the City Clerk-Treasurer. Failure to do so shall deny future use of park facilities until such payment be made, in addition to any other remedy which the City may have.

*Cross-Reference:* Sections 7-2-11 and 11-4-1.

## **Sec. 12-1-6 Ultralight Aircraft Regulated.**

- (a) **Definition.** An ultralight aircraft, vehicle or hang glider is an unpowered or powered aircraft which is not subject to extensive regulation by the Federal Aviation Administration

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by virtue of its characteristics and which is defined as an ultralight vehicle by 14 C.F.R. Sec. 103.1 and which is defined as an ultralight aircraft by Sec. 114.195, Wis. Stats.

- (b) **Regulations Regarding Use.** No person shall operate any ultralight aircraft within the City in such a manner or in such a location as to endanger or injure any person or property. No person shall operate an ultralight aircraft in the City in violation of any applicable state and federal regulations and standards. No person shall cause an ultralight aircraft to land or to take off from any property without permission of the owner or occupant of said property, provided that an emergency landing may be made to prevent a catastrophe. In the case of landing or taking off from a City public park or other public property, the operator of such ultralight aircraft shall first obtain a permit from the Common Council. No fee shall be charged by the Common Council for such permit which may be issued for a period up to thirty (30) days nor shall the Common Council sponsor such activity.

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# Public Property Naming Procedures

### 12-2-1 Naming Procedures for Public Property

#### Sec. 12-2-1 Naming Procedures for Public Property.

(a) **Renaming Streets.**

- (1) To request the renaming of a City of Owen street, by anyone other than the City, a petition signed by at least fifty percent (50%) of all property owners along the street in question shall be submitted to the Common Council. Petition signatures shall be limited to one per parcel. Naming shall be accomplished through adoption of a formal resolution by the Common Council.
- (2) For streets within a recorded subdivision or certified survey map, an affidavit of correction shall be recorded with the Register of Deeds as specified under Sec. 236.295, Wis. Stats.
- (3) All costs associated with the name, including the cost of any recording necessary and the cost of signage shall be paid by the person(s) submitting the request. This cost may be waived by the Common Council.

(b) **Naming of Public Waters.** (Note: proposed names for public waters require approval of the Wisconsin Geographic Names Council in order to be recognized on maps outside the City.)

- (1) Requests to name or rename a creek, stream, river or lake shall be made in writing and brought before the Common Council. The person(s) who submitted the request shall provide background information into the rationale behind the request, including biographical information if to be named after a person. Any letters from appropriate organizations and individuals which provide evidence of substantial local support for the proposal shall be submitted at that time. If the creek, stream, river or lake is included in a Lake Protection and Rehabilitation District, approval from the district must be obtained prior to the submittal of the request to the City. Upon approval of the Common Council, the proposed name change shall be submitted to the Wisconsin Geographic Names Council for approval. The Common Council meets every February to act on all requests.
- (2) Once a public body of water is named after a person, the name of the public body of water cannot be changed for a period of fifty (50) years.

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- (3) All costs associated with the naming, including the cost of any recording necessary and the cost of signage, shall be paid by the person(s) submitting the request. This cost may be waived by the Common Council.
- (c) **Naming of Public Facilities.**
- (1) Requests for the naming or the renaming of public buildings, faculties, and parks shall be submitted in writing. Requests concerning parks shall be brought before the Common Council. The person(s) who submitted the request shall provide background information into the rationale behind the request, including biographical information if to be named after a person. Any letters from appropriate organizations and individuals which provide evidence of substantial local support for the proposal shall be submitted at that time. Naming shall be accomplished through adoption of a formal resolution by the Common Council.
  - (2) Once a public building, park or facility is named after a person, the name of the public property cannot be changed for a period of fifty (50) years.
  - (3) All costs associated with the naming, including the cost of any recording necessary and the cost of signage, shall be paid by the person(s) submitting the request. This cost may be waived by the Common Council.
- (d) **Recommendations.** At its option, the Common Council may ask for advisory recommendations on renaming applications from City committees/commissions, City staff or civic organizations.