

# Parks and Recreation

## Chapter 1      Parks and Navigable Waters



## 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 Adams 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 or conservancy district in the City.
- (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)    **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.
  - (5)    **Open Spaces.** Areas of municipally owned lands maintained in their natural state, thus supporting native plants and animals.
  - (6)    **Public Property.** All municipally owned parks, park facilities, playgrounds, swimming areas, green belts, open spaces, streets, parking facilities and easements for public use.

(c) **Specific Regulations.**

- (1) ***Littering Prohibited.*** Depositing rubbish or litter in any park or public property is prohibited. No person shall place or deposit any filth, ashes, embers, dirt, garbage, rubbish, paper or other litter, refuse or offensive matter in or on any park or other public property. This provision shall not prevent the proper use of rubbish burners or other receptacles where they are provided by the City.
- (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 Projectiles Prohibited.*** No person shall throw stones or other projectiles 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.
- (8) ***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, 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, ornament, building, structure, apparatus, bench, table, official notice, sign or other property within any park.
- (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 Unit.** No person shall operate any vehicle in a City park in excess of fifteen (15) 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.
- (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 Public Works Committee 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 wellbeing 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. Driver/owner of the horse and carriage is responsible for cleaning up any excrement left by the horse.
- (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) **Alcohol** is prohibited in all City parks.
- (20) **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, a fee as established by resolution adopted pursuant to section 2-2-19 shall be paid to the City Clerk. Said fees shall be established by resolution of the Common Council. It shall be unlawful to use such areas without payment of such fee or charge when required.
- (21) **Camping.** Camping in all City parks is prohibited, unless approved by the Common Council for special events.
- (22) **Reserved for future use.**
- (23) **Firearms; Hunting.** The unlawful discharging of any firearm or weapon of any kind is prohibited in all City parks.
- (25) **Fish Cleaning.** Cleaning of fish in shelters, toilet facilities or picnic areas is prohibited in all City parks.
- (26) **Controlled Substances.** Possessing, using or dispensing of a controlled substance in violation of the Uniform Controlled Substances Act is prohibited in all City Parks.

## **Sec. 12-1-2 Operation of Remote or Radio-Controlled Toys, Drones 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, drone, vehicle, or any other such device in, a City Park, except in areas specifically designated and posted for such purpose.

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

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

- (a) All City Parks shall be closed to the public between sunset of each day and sunrise of the following morning, except for days on which Little League baseball games are being played in the park. On days when Little League games are being played, the park will close at sunset or one-half hour after the Little League game is complete, whichever occurs first.
- (b) All City Parks shall be closed to all minors unaccompanied by a parent or guardian during the hours of 8:30 a.m. through 3:30 p.m. on all days during which the City public schools are in session. This provision shall not apply to sports activities sponsored by the public schools and supervised by an adult representative of the school.
- (c) **Presence in Parks During Closed Hours Prohibited.** No person other than law enforcement personnel shall be present on or in any City Parks during closed hours. In the event of a violation of park hours, a person convicted thereof shall be subject to prosecution as a forfeiture action, as set forth in Title 1 of the Municipal Code of the City of Adams, Wisconsin, as from time to time amended.

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

- (a) **Policy on Reservation.** The City-owned Park and park facilities and shelter areas are primarily for the nonexclusive use of the residents and visitors by the City. 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, baseball fields, basketball courts, tennis courts, or parts thereof, 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 a park facility or a park shelter by written application filed with the City Clerk/Treasurer for a permit for exclusive use of the same. The City Clerk-Treasurer shall issue permits for exclusive use of a portion of a park or park shelter, while the Common Council shall issue permits for the exclusive use of City parks. All special event permits must be approved by the Common Council. Park facilities are reserved on a first requested, first-reserved basis.
  - (c) **Application.** Applications shall be filed with the City Clerk/Treasurer with at least fourteen (14) days prior to the date on which the exclusive use of the entire park is requested, or at least three (3) days prior to the date on which a park shelter or a portion of a park is to be used, or for special events, and Any additional information which the Common Council or City Clerk/Treasurer finds reasonably necessary to render a fair determination as to whether a permit shall be issued.
- (d) **Deposit.** Applicants for reservation of park space or shelters for which a permit is required shall pay a non-refundable reservation fee, for the City's maintenance and cleanup expenses. The fee for the deposit is listed on the park application and is subject to change based on the f current fee schedule.
- (e) **Action on Application.** The Common Council shall act promptly on all applications for permits for exclusive park use and specified events (not shelter use) after consulting with the applicant, if necessary.
- (f) **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.
  - (2) If the Common Council deems it is not in the best interest of the City.

*(Chapter 12, Section 1-5 (a), Chapter 12, Section 1-5(b), Section 1-5(c), Section 1-5(c)(1)&(1)&(2)&(3)&(4)&(5), Section 1-5(d), Section 1-5(e), Section 1-5(f)) of the Code of Ordinances of the City of Adams, WI by Council on December 16.)(Amendment to Section 12-1-5(d) rescinded and recreated by Council on September 3, 1996 by Ordinance No.21-96)*

- (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 Subsection (c) above.
  - (4) The application is made less than the required days in advance of the scheduled exclusive use.
  - (5) 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.
  - (6) 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 facility or shelter area involved or of the rest of the City.
  - (7) The exclusive use will reasonably create a substantial risk of injury to persons or damage to property.
  - (8) The exclusive use is so poorly organized that participants are likely to engage in aggressive or destructive activity.
  - (9) An incomplete application not containing all the information requested on the application.
- (g) **Indemnification.** Prior to granting any permit 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 and such third parties as may be injured or damaged thereby, caused by the permittee, its agents or participants.
- (h) **Permit Not Required For City Activity.** A permit is not required for exclusive use of the park or park facility sponsored by the City.
- (i) **Permit Revocation.** The Common Council and/or Chief of Police 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 a major change in the conditions forming the basis of the issuance of the permit.
- (j) **Form of Permit.** Each permit shall be in a form prescribed by the Common Council 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.
- (k) **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. Inadequate cleaning shall result in the permit holders being billed for such cleanup costs.

**Cross Reference:** Sections 7-2-11 and 11-5-1.

*(Chapter 12, Section 1-5 (f), Section 1-5(k), Section 1-5(c), Section 1-5(c)(1)&(1)&(2)&(3)&(4)&(5), Section 1-5(d), Section 1-5(e), Section 1-5(f)) of the Code of Ordinances of the City of Adams, WI by Council on December 16.)*