

## ORDINANCE NO. 2016- 2

### AN ORDINANCE AMENDING CHAPTER 701 OF THE CODE OF ORDINANCES RELATING CONTROL, MANAGEMENT AND REGULATION OF CITY PARKS AND PARK AREAS

The Common Council of the City of Richland Center, Wisconsin, does ordain as follows:

#### SECTION 1:

Chapter 701 of the Code of Ordinances of the City of Richland Center is amended to provide:

#### CHAPTER 701

#### CONTROL, MANAGEMENT AND REGULATION OF THE CITY'S PARKS AND PARK AREAS

##### 701.01 Control and Management of the Public Parks and Park Areas.

(1) **Common Council.** The control and management of the public park areas shall be vested in the Common Council of the City of Richland Center. Said Common Council shall formulate such rules and regulations as it may deem expedient from time to time for the planting of vegetation and landscaping, erection and maintenance of park shelters recreational equipment, or other structures or improvements of whatever nature public park areas, and to otherwise provide for the management, protection, control and use of said park areas as authorized by and subject to the limitations of Chapter 27 of the Wisconsin Statutes, and any other applicable provision of the Wisconsin Statutes.

(2) **Board of Park Commissioners; Powers of the Board of Park Commissioners.** There is a City Board of Park Commissioners, alternatively referred to herein as the Park Board, established as set forth in Chapter 50 of the Code of Ordinances.

(a) **General Powers of Park Board.** The Board of Park Commissioners shall have all powers and be chargeable with all duties, as set out in Section 27.08 of the Wisconsin Statutes, as the same may hereafter be amended and as otherwise provided by law, now or hereafter, relating to the City's parks and park areas except as to matters over which the Common Council has by ordinance and to the extent permitted by law elected to act or reserve to the Council.

(b) **Personnel Matters.** The Park Board shall directly supervise the Parks and Grounds Director, who shall in turn be responsible for supervising the public park areas, the recreation programs and the day to day activities of the park employees of the City of Richland Center, provided, however that matters related to the hiring, firing and extraordinary disciplinary matters related to all park employees is reserved to the Common Council.

**701.02 Identity of Public Park Areas and Grounds and Programs Affected.** The public park areas of the City of Richland Center shall be subject to regulation by this Chapter. They are specifically defined as follows:

**(1) Public Park Areas.** The public park areas of the City of Richland Center are:

- (a) Krouskop Park, including the Community/Senior Center.
- (b) Strickland Park.
- (c) West Side Community Park.
- (d) North Side Park.
- (e) North Lake Park.
- (f) North Park West
- (g) Wedgewood North Park.
- (h) Wedgewood South Park.
- (I) Miner Hill Park.
- (j) North Park East [Soccer field area].
- (k) The unnamed park west of Pine River
- (l) Summit Park on tax parcel 276-1635-0020.
- (m) The old Community Center site at 600 W. Seminary Street.
- (n) Occooch Learning Center.
- (o) All trails made by the City on City owned lands on either side of the Pine River.
- (o) Frisbee golf area.

**(2) Buildings Public Park Areas.** The control and management set forth herein shall extend to all City buildings in said public park areas.

**(3) Programs.** The programs involved in this chapter include all recreational programs run by the City of Richland Center Recreational Director.

### **701.03 Parks and Parks Areas Regulations.**

#### **(1) Advertising in Parks Prohibited.**

(a) No person shall post, paint, affix, distribute, hand out, deliver, place, cast or leave about any sign, bill, billboard, placard, ticket, handbill, circular, advertisement or other material for advertising purposes within any public park or park area except with a permit from the Board of Park Commissioners.

(b) No person shall operate any bullhorn, public address system, or other sound amplification devise or sound generating device for the purpose of attracting attention to any commercial activity or venture within any public park or park area except with a permit from the

Board of Park Commissioners.

**(2) Solicitation of Alms in Parks Prohibited.** No person shall solicit alms or contributions for any purpose within any public park.

**(3) Disorderly Conduct in Parks Prohibited.**

(a) No person shall throw stones or other missiles, nor interfere with, encumber, obstruct or render dangerous any path, walk drive or other area within any public park.

(b) No person shall climb or stand upon any wall, fence, shelter, seat, picnic table, statute or other improvement within any public park.

(c) No person shall cast, throw or deposit on any walk, crossing, roadway or upon any other surface or location within any public park any garbage, litter, trash or other waste materials.

(d) No person shall cast, throw or deposit into or onto any lake, pond or swimming pool, or onto the ice covering any such lake, pond or swimming pool, or upon any area designated for ice skating, any sticks, stones, glass, litter, trash or garbage in any public park.

**(4) Use of Fire in Public Parks or Park Areas.** No person shall kindle, build, use or maintain any fire in any public park, except in places specifically provided for such activities.

**(5) Loitering at Night in Public Parks or Park Areas Prohibited.**

(a) No person shall loiter at any place in any public park where there is not artificial light between one-half hour after sunset and the following sunrise.

(b) No person shall enter or remain in any public park between the hours of 12:00 midnight and the following sunrise.

**(6) Sale of Merchandise or Services in Public Parks or Park Areas Prohibited.** No person shall sell or offer for sale any item of merchandise or any services in any public park except with a permit from the Parks and Grounds Commission, and then only to the extent allowed by the permit as to the permitted dates, items and/or locations as set forth in said permit.

**(7) Camping and Lodging in Public Parks or Park Areas.** No person shall camp or lodge in any public park, except with a permit from the Parks and Grounds Commission, and then only at such times and in such places designated in such permit.

**(8) Injury to Park Property Prohibited.** No person shall injure, mark, deface, destroy, damage, take or carry away any tree, shrub, flower, sign or other improvement in or to any public park.

**(9) Operation of Vehicles in Public Parks.**

(a) No person shall drive any vehicle upon any walkway or upon any other portion of any public park or park area other than upon the paved streets within or contiguous to such public park or park area except with a permit from the Board of Park Commissioners. For purposes of this Chapter, the term "vehicle" shall include motor vehicles, snowmobiles, all-terrain vehicles, motorcycles, and mopeds.

(b) The Parks Board may, but is not required to, designate an area or areas as snowmobile trail(s), but such operation off from any such trail(s) or outside the time(s) such trail use is allowed shall nevertheless constitute a violation of this section.

**(10) Parking within Public Parks.** No person shall park or leave standing any vehicle in any public park except adjacent to the streets in such park unless such adjacent area is specifically designated a no-parking area, and except in any other area designated as a parking area by the Parks and Grounds Commission.

**(11) Use of Swimming Facilities Regulated.** No person shall make use of the bathing or swimming facilities in any public park or park area at any time or times except when such facility is officially open to the public, and a lifeguard is on duty and the person has paid any fee imposed by the Parks and Grounds Commission for the use of the facilities. Posted signs or notices listing open hours for swimming or bathing or indicating whether such facilities are open or closed shall be prima facie evidence in determining whether there has been a violation of this subsection.

**(12) Display of Permit.** Any person claiming to have a permit to do any otherwise prohibited act in a public park for which a permit may be granted under the provisions of this Chapter or under any rule of the Board of Park Commissioners, shall display such permit upon a request by any Police Officer, Parks and Grounds Commissioner, or other City Officer or Employee charged with the supervision of any public park or facility therein. Failure to produce such a permit shall be prima facie evidence of a violation.

**(13) Penalties for Violations of section 701.03.**

(a) Any person who violates subsection 701.03 (10) above shall, upon conviction thereof, be subject to a forfeiture of not less than \$10.00 nor more than \$200.00, as adjudged by the Court, plus all applicable costs, fees and surcharges imposed under Ch. 814 Wis. Stats., and in the event such forfeiture, costs, fees and surcharges are not paid, such person may, upon order of the Circuit Court, be imprisoned in the Richland County jail until such forfeiture, costs and assessment are paid, but not to exceed 90 days, or may be subject to any other sanctions imposed by the Court for such failure to pay.

(b) Any person who violates any provision of subsection 701.03 other than Section (10) shall, upon conviction thereof, be subject to a forfeiture of not less than \$100.00 nor more than \$400.00, as adjudged by the Court, plus all applicable costs, fees and surcharges imposed under Ch. 814 Wis. Stats., and in the event such forfeiture, costs, fees and surcharges are not paid, such person may, upon order of the Circuit Court, be imprisoned in the Richland County jail until such forfeiture, costs and assessment are paid, but not to exceed 90 days, or may be subject to

any other sanctions imposed by the Court for such failure to pay.

**701.04 Regulation of Intoxicating Liquor and Fermented Malt Beverages in Parks and Park Areas.**

**(1) General Prohibition.** No person shall possess, dispense or consume intoxicating liquor, including wine, or fermented malt beverages, including beer, ale, light beer or malt liquor, nor shall any person have in his or her possession any open can, bottle or other container containing fermented malt beverages, wine or intoxicating liquor, or drink from the same, in any public park or park area in the City of Richland Center. For purposes of this section, the term public park shall include streets and roadways and waterways within or contiguous to such park.

**(2) Exception for Licensed Activities.** This section shall not apply to persons possessing, dispensing or consuming fermented malt beverages at a time and within an area wherein such activities have been approved by the Common Council or Parks and Grounds Commission and for which a picnic alcohol beverage license for such activity has been issued by the Common Council or the Parks and Grounds Commission.

**(3) Penalties for Violations of section 701.04.** Any person who violates subsection 701.04 (1) shall, upon conviction thereof, forfeit to the City of Richland Center not less than \$50.00 nor more than \$200.00, as adjudged by the Court, plus all applicable costs, fees and surcharges imposed under Ch. 814 Wis. Stats., and in the event such forfeiture, costs, fees and surcharges are not paid, such person may, upon order of the Circuit Court, be imprisoned in the Richland County jail until such forfeiture, costs and assessment are paid, but not to exceed 90 days, or may be subject to any other sanctions imposed by the Court for such failure to pay.


**SECTION 2:**

This Ordinance shall be in full force and effect from and after its passage and publication.

Enacted the 5<sup>th</sup> day of January, 2016

  
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Paul F. Corcoran, Mayor

Attest:

  
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Melinda D. Jones, City Clerk/Treasurer