

## CHAPTER 19

### TOWN PARKS

#### 19.01 FEES OR DEDICATIONS:

(1) In order that adequate land shall be dedicated, reserved and preserved for development of public parks, recreation and open space, and to provide for proper location of such sites as the Town develops, the following provisions shall be established:

- (a) A park fee shall be paid for development of all open space in the amount of \$300.00 per single family residence, \$600.00 per two family residence, and \$300.00 per unit for multi-family dwellings. The park fee shall be paid at the time of application for a Building Permit.

Said fees shall apply to all buildable residential lots created after the effective date of this ordinance, whether by Certified Survey Map, Subdivision Plat, or Warranty Deed.

- (b) In lieu of the payment of park fees, the developer of a subdivision may provide and dedicate to the public, to be held by the Town of Freedom, land for park and recreation needs of the Town. The Planning Committee shall ascertain during site review process and/or plot review process that the proposed sites are suitable for the proposed use. The size and location of all dedications shall be subject to unanimous approval by the Town of Freedom Town Board.

#### 19.02 TOWN PARKS COMMITTEE

(1) Purpose. One purpose of this ordinance is to establish a Town Parks Committee and set forth its organization, powers and duties, to further the development and use of the Town park system for the benefit of current and future residents of the Town.

(2) Authority: Establishment. The Town Board hereby establishes a Five (5) member Park Committee pursuant to Chapter 60 of the Wisconsin Statutes, to act in an advisory capacity to the Town Board in regard to matters relating to the Town Parks.

(3) Membership. The Park Committee shall consist of at least one (1) Town Board Member, who may be the Town Board Chairperson, who shall act as chairperson of the Park Committee. The remaining four (4) committee members shall be appointed by the Town Chairperson subject to approval by majority of the Town Board. The citizen

members, who are not otherwise town officials, shall be persons of recognized experience and qualifications relating to the Park and Recreation Programs in the Town. Appointments shall be made in April of each year.

(4) Term of Office. The term of office for the Park Committee Chairperson and each committee member shall be for a period of three (3) years, ending on April 30, or until a successor is appointed and qualified, except:

(a) Initial Terms. The initial appointments to the Park Committee made during April, shall appoint citizen members for staggered terms as follows: two (2) persons for a term that expires in one (1) year; one (1) person for a term that expires in two (2) years; and one (1) person for a term that expires in three (3) years.

(b) Town Board Member or Chairperson. The Park Committee Member who is a Town Board Member or Town Board Chairperson, shall serve for a term concurrent with his or her term on the Town Board or until replaced at the reorganizational meeting of the Town Board.

(5) Vacancies. A person who is appointed to fill a vacancy on the Park Committee shall serve for the remainder for the term of the individual who he or she replaces.

(6) Compensation, Expenses. The Town Board of the Town of Freedom may establish a per diem allowance for citizen members of the Park Committee, and, in addition, the Town Board may reimburse reasonable costs and expenses as allowed under Section 60.321, Wis. Stats.

(7) Rules; Records. The Park Committee may adopt rules for the transaction of its business, subject to Town Ordinances, and shall keep a record of its resolutions, transactions, findings and determinations, which shall be a public record under Sections 19.21-19.39, Wis. Stats.

(8) Powers. The Park Committee, subject to Town Board jurisdiction, shall have the power to (a) make recommendations to the Town Board regarding the acquisition and reservation of lands for park purposes; (b) make recommendations for the laying out, improvement and maintenance of parks in the Town; (c) provide general oversight for the use of town parks by other non-profit, civic or charitable entities who are operating recreational programs; (d) recommend regulations for the use and enjoyment of the parks by the public; (e) provide general oversight for the maintenance of the town parks.

### **19.03 PARK REGULATIONS**

(a) Purposes. In order to protect the parks, parkways, recreational and conservancy areas with the Town of Freedom from injury, damage or desecration, these regulations are enacted.

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

"Park" means and includes all grounds, structures and watercourses which are or may be located within any area dedicated to the public use as a park, parkway, recreational or conservancy area in the Town of Freedom.

(c) Specific Regulations.

(1) *Littering prohibited*. No person shall litter, dump or deposit any rubbish, refuse, earth or other material in any Park.

(2) *Sound devices*. No person shall operate or play any amplifying system unless specific authority is first obtained from the Town Board.

(3) *Billposting*. 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 Town Board.

(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*. It shall be unlawful to conduct trapping activities of any nature, in any village park, except when authorized by the Town Board.

(7) *Making of fires*. No person shall start, tend or maintain a fire except in personal grills or as authorized by the Town Board. 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 misuse any tree, shrub, flower, flowerbed, turf, soil, 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 Town 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 Town Park except when authorized by the Town Board.

(11) *Speed limit.* No person shall operate any vehicle in a Town Park in excess of ten 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 alcohol. No person at any time shall be allowed to drink from glass containers in any Town Park.

(13) *Reckless driving in Parks prohibited.* No person shall operate a motor vehicle in a reckless manner in any Parks.

~~(14) *Parking in Parks.* No person shall park any motor vehicle in any Park in the Town except in designated parking area.~~

*Parking in Parks.* No person shall park any motor vehicle in any Park in the Town except in designated parking areas. Subject to certain exceptions as described in Section 19.06 and 19.07, vehicles may not park in any Town park between the hours of 11:00 p.m. and 5:00 a.m.  
[Ord. 16-01]

(15) *Horse and carriage.* No person shall ride a horse or drive a horse-drawn vehicle in any Park, except when approval of the Town Board is obtained first. 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.

(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 shall be allowed in Town Parks or recreation areas.

(18) *Arrows.* No person shall use or shoot any bow and arrow in any Town Park.

(19) *Fees and charges.* The Town Board shall have the authority to establish such fees as deemed necessary for use of any Park facility, structure or land area. It shall be unlawful to use such areas without payment of such fee or charge when required.

(20) *Animals.*

a. No person shall bring animals onto Park property, with the exception of leashed dogs on roads, paved trails, and chipped or gravel paths. Dogs are not allowed on playgrounds, athletic fields, picnic areas, lawns or in park structures.

b. All persons shall secure their dog on a leash eight feet or shorter in length and maintain their dog under control, meaning connected to a leash held by a person at all times.

c. Dogs are not to run at large. It shall be unlawful for any person, who is the owner of, or in possession of, or charged with the care of a dog, to permit same to run at large within any Town Park.

d. Dogs must display current rabies tag and current registration tags.

e. All dog excrement must be immediately picked up and disposed of in a designated waste container or removed from the Park.

f. This subsection shall not apply to certified guide dogs that are under control by the use of a harness or other restraint and are accompanying blind, deaf or mobility impaired persons, as provided under Wis. Stats. § 174.056.

g. The Town Board may authorize animals onto park property for special events.

(21) *Firearms; hunting.* Discharging of any firearm or weapon of any kind is prohibited in all Parks as provided in Town Code.

(22) *Fish cleaning.* Cleaning of fish in shelters, toilet facilities or picnic areas is prohibited in all Town Parks.

(23) *Controlled substances.* Possessing, using or dispensing of a controlled substance in violation of the Uniform Controlled Substances Act is prohibited in all Town Parks.

(24) *Alcohol beverage use.* Alcohol beverages may only be possessed, consumed, or dispensed in a Town Park pursuant to a permit and regulations as prescribed in the Code of Ordinances.

(25) *Sale of goods.* The sale of any items from a Park shall be limited to non-commercial organizations. A written statement of noncommercial status must be filed with the Town Board prior to the sale of any goods. The Town Board shall determine the number of noncommercial organizations to be vending at one time. The Town Board may grant permission for the sale of goods to any commercial organization if the sale would be in the best interest of those served.

#### **19.04 OPERATION OF REMOTE OR RADIO-CONTROLLED 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 or helicopter, in, over or upon any street, Park road, Park, or public property except when approval by the Town Board is obtained first.  
Section III. Regulations Regarding Protection of Turf on Public Property.

#### **19.05 TURF PROTECTION ON PUBLIC PROPERTY.**

Except as authorized by the Town Board, no person shall dig into the turf of any Park for any purpose whatsoever or remove any trees or flowers, including the use of metal detectors and digging for buried objects in Parks.

#### **19.06 PARK HOURS.**

(a) Park Hours. Subject to certain exceptions listed below, all Town Parks shall be closed from 11:00 p.m. to 7:00 a.m. the following day.

(b) Park closing and opening dates. The chief of police or Town Board will have full authority to open and close any Park because of weather conditions, physical condition, construction or when, in the interest of public safety, it is deemed necessary.

#### **19.07 RESERVATION OF PARK SPACE.**

(a) Policy on reservation. The Parks are primarily for the nonexclusive use of the residents and visitors of the Town. 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, or parts thereof.

(b) Reservation of park space. A person or group, firm, organization, partnership or corporation, residing in or having its registered office in the Town of Freedom, may reserve the use of a park facility or a park; shelter by written application filed with the Town Clerk for a permit for exclusive use of the same. The Town Clerk shall issue permits for, exclusive use of a portion of a park or park shelter, while the Town Board shall issue permits for the exclusive use of Town Parks. Park facilities are reserved on a first-requested, first-reserved basis.

(c) Application. Applications shall be filed with the Town Clerk at least 14 days prior to the date on which the exclusive use of the entire park is requested, or at least three days prior to the date on which a park shelter or a portion of a park is to be used, 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 heads or partners of the same.
3. The name, address and telephone number of the person who will be responsible for the use of the said park, area or facility.
4. The date when the exclusive use is requested and the hours of the proposed exclusive date.
5. The anticipated number of persons to use the said Park, area or facility.
6. Any additional information which the Town Board or Town Clerk finds reasonably necessary to a fair determination as to whether a permit should be issued.

(d) Rental fee. All applicants for rental of Park space or shelters for which a permit is required shall pay a rental fee. The daily fee will be set by the Town Board, and will be reviewed periodically.

(e) Action on application. The Town Board shall act on all applications for permits for exclusive Park use (not shelter use) after consulting with the applicant, if necessary.

(f) Reasons for denial. Applicant 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 provisions of this Code.
2. If the granting of the permit would conflict with another permit already granted.