

ORDINANCE #17-16

TOWN OF DUNN

AN ORDINANCE CREATING CHAPTER 17-16 OF THE GENERAL CODE OF ORDINANCES TO REGULATE THE CONDUCT OF PERSONS AND USE OF PROPERTIES DESIGNATED AS PARKS AND GREEN SPACE IN THE TOWN OF DUNN

The Town Board of the Town of Dunn, Dane County, Wisconsin does ordain that Chapter 17-16 of the General Code of Ordinances entitled "Town of Dunn Parks Regulations" be and the same is hereby created to read as follows:

Section I:      Title

This ordinance shall be cited as the "Town of Dunn Parks Regulations" and hereinafter referred to as "this ordinance".

Section II:      Authority

This ordinance is adopted to protect the public health, safety and welfare of residents of the Town of Dunn. This ordinance is authorized by the powers granted to the Town of Dunn by the Town's adoption of Village powers under sec. 60.10(2)(c), Wis. Stats., and is in accord with sec. 61.34(1), Wis. Stats., and Wis. Admin. Code SPS 307.

Section III:      Purpose and Intent

The purpose of this ordinance shall be to set forth regulations governing the conduct of persons and use of properties designated as parks and green spaces within the Town of Dunn, to control and regulate traffic and maintain general order in town parks, and to further the safety, health, comfort and welfare of all persons using Town parks.

Section IV:      Definitions

When used in this ordinance, the terms shall be defined and limited as follows:

- (A) The term "park" or "town park" as used herein shall include the grounds, improvements, equipment, buildings, waters and any other property or appurtenance which is now or may hereafter be under the control of the Town of Dunn and which has been designated as, accepted by or used for park or recreational purposes.
- (B) Resident is defined as any person living in the Town of Dunn and any person living in any community with which the Town has a reciprocal agreement for use of Parks.
- (C) The term "green space" or "town green space" as used herein shall include properties owned by the Town of Dunn, with the exception of town parks, road right-of-way, and the Transfer Site.
- (D) "Parks Commission" is defined as the Town of Dunn Parks Commission, or their designee.
- (E) The word "gun" shall include, but not limited to, rifle, shotgun, handgun, air gun or paint ball gun.

Section V:      Hours

- (A) All town parks shall be closed at 11:00 PM for all uses, including picnics, parties and social gatherings, and shall remain closed until 1 hour before sunrise the following morning. No person shall enter or remain in any town park after closing hours.
- (B) Notwithstanding the general prohibition set forth in subsection (A) above, the Town Board may, from time to time, permit use of parks and park facilities after normal closing hours provided that:

1. The party or group desiring to use the park facilities after normal closing hours designates an individual or individuals who shall be responsible for the conduct of the party or group and shall be personally liable to the town for any damage to town property caused by any member of the group, irrespective of whether the damage occurs before or after the normal closing hours; and
2. The party or group post such bond as the Town Board may require of any group or party desiring to use park facilities after normal closing hours; and
3. The group or party comply with such additional rules and regulations as the Town Board may, from time to time, adopt regarding use of park facilities after normal closing hours.

(C) Notwithstanding the general prohibition set forth in subsection (A) above, the closing time with respect to boat landings shall be extended until 11:00 p.m. from April 15<sup>th</sup> until November 1<sup>st</sup>.

Section VI: Reservation of Parks

- (A) Park facilities may be reserved by any person, group, party or social gathering by filing an application with the Parks Commission. A reservation is required only if temporary structures, such as tents, will be used. The Parks Commission shall maintain a roster of such applications, and reservations shall be granted on a first come, first serve basis.
- (B) The application for reservation of any park facilities shall designate one or more persons who shall be responsible for the conduct of the persons attending the party or group, and who shall be personally liable to the town for any damage to the town property caused by any member of the party or group incident to use of the park facilities. The reservation fee for residents and for non-residents is set by the Town Board on the Town Fee Schedule.

Section VII: Littering, Storage of Personal Property, and Personal Use Prohibited

- (A) No person shall leave or deposit on town property any paper, litter, garbage or similar refuse.
- (B) No person shall break any bottle or other glassware in any park or green space, and in the event any bottle or glassware is broken, the person causing or permitting the bottle or glassware to break shall immediately pick up the broken pieces and dispose of them in a safe and appropriate manner.
- (C) No person shall deposit, dump, throw, or place any earth, rubbish, dust, manure, paper, garbage, or other refuse matter or any sand, stone, lumber, or building material, or any substance in the waters, grounds, or roadways of any park, parkway, or green space without written permission of the Parks Commission.
- (D) No person shall store personal property on town property including in the waters, grounds, or roadways of any park, parkway, or green space without written permission of the Parks Commission.
- (E) No person shall make personal use of town property including in the waters, grounds, or roadways of any park, parkway, or green space by constructing buildings, structures or improvements or planting vegetation on such properties without written permission of the Parks Commission.

Section VIII: Unreasonable Noise Prohibited

- (A) No auto radio, portable radio, television, band instrument or musical device shall be operated in any town park at such volume as to unreasonably interfere with the use and enjoyment of the park facilities by other users of the park and neighboring property owners.

Section IX: Use of Firearms, Hunting and Trapping Prohibited

- (A) No person shall carry, fire or discharge any gun, pistol or other firearm, nor shall any person hunt with bow and arrow within the confines of the Town Park with the exception of law enforcement. No person shall discharge fireworks of any description or set traps within a town parks except with permission of the Town Board.

Section XI: Fires

- (A) No person shall start or maintain a fire of any kind for any reason.
- (B) The use of charcoal burners in designated picnic areas shall be permitted provided lawns and other vegetation are not damaged and provided further that all unburned coals or ash are removed from the site.

Section XII: Animals in Parks

- (A) No animal, excepting service animals, and except animals on leash as provided in subparagraph (B) shall be permitted within the confines of the town parks.
- (B) No person having the control or care of an animal shall permit the animal to enter or remain in the town park unless it is led by a leash of suitable strength and not more than six feet in length, with the person having the control or care of the animal and to be responsible for cleanup of messes.
- (C) No one shall kill, injure, attempt to injure, or unnecessarily disturb any waterfowl or other birds or animals, wild or domestic, within any of the parks or parkways. Nor shall any person rob or disturb the nest or eggs of any bird or other animal therein.

Section XIII: Injury to Vegetation, Structures, Equipment

- (A) No person shall climb any tree, or pluck any flowers or fruit, wild or cultivated, or break, cut down, prune, trample upon, apply pesticide or herbicide to, remove, or in any manner injure or deface, write upon, defile or misuse any tree, shrub, flower, flower bed, turf, fountain, ornament, status, building, fence, apparatus, bench, table, official notice, sign, bridge, structure, or other property within any park or green space.
- (B) No person in any park or green space shall remove any device for the protection of trees or shrubs; nor shall any person fasten a dog or other animal next to any tree, shrub, or grass plot which may become damaged by the action of the animal.
- (C) No person shall destroy or unlawfully remove, take, or meddle with any property of any kind or nature belonging to the Town of Dunn without the written consent of the Parks Commission or their designee.

Section XIV: Camping, Sleeping Regulated

- (A) No person shall sleep, or camp, or lodge in any park or parkway without the written permission of the Parks Commission or their designee.

Section XV: Motor Vehicles Regulated

- (A) No person shall drive any automobile, motorcycle, snowmobile, or unlicensed motor vehicle of any type within the confines of any town park except upon drives or areas designated for such use. Every person operating an automobile, motorcycle, snowmobile or similar vehicle shall comply with state, county and municipal traffic

codes and regulations, and with all orders, directions and regulations officially displayed on any post, sign or device installed for such purposes.

- (B) No automobile, motorcycle, snowmobile or unlicensed motor vehicle of any type shall operate within the confines of the Town Park at a speed in excess of 15 mph or at posted speeds.
- (C) All automobiles, motorcycles, snowmobiles and other unlicensed motor vehicles shall be parked in areas designated for parking, and in no other areas of the Town Park. Overnight parking within the confines of the Town Park shall be prohibited. The parking of any automobile, motorcycle, snowmobile or other unlicensed motor vehicle in any area other than a designated parking area shall be deemed a violation of this chapter, unless as specified on the Park Reservation form.

Section XVI: Regulation Regarding Conduct and Use of Town Parks

- (A) The Town Parks Commission shall be authorized to adopt such regulations as are reasonably needed to regulate the conduct and use of town park facilities, These regulations may include, but are not limited, to the following matters: regulations designed to prevent damage to public property, improvements, trees, flowers and other vegetation; regulations governing sleeping and camping within the town park; regulations governing the use of the park by bicyclists; regulations governing the operation of snowmobiles; regulations governing access to public buildings and facilities within the park; and regulations regarding use of swimming and water facilities
- (B) No such regulations shall be effective until the regulation has been recommended to and approved by the Town Board. The Parks Commission shall cause written notice of the enactment of such regulations to be posted in appropriate places within the confines of the Town Park so as to apprise users of the park of the existence of the regulation. Any violation of such regulations, after the same have been approved by the Town Board and after notice has been suitably posted within the confines of the town park, shall be deemed a violation of this chapter.

Section XVII: Penalty

Any person who shall violate any provision of this chapter, or any regulation adopted pursuant to the provisions of this chapter, shall be subject to a penalty as follows:

- (A) First Offense. Any person or organization violating the terms of this chapter shall be subject to a fine of not less than \$50 nor more than \$300 for the first offense. The court may subject the individual to imprisonment for failure to pay said penalty.
- (B) Second and Subsequent Offenses. In the event any person guilty of violating the terms of this chapter a second or subsequent time within a 12 month period shall be subject to a fine of not less than \$200 nor more than \$1000 for each second or subsequent offense. Failure to pay said penalty may subject the individual to imprisonment.
- (C) In addition to any penalty imposed for violation of this chapter, any person who shall cause physical damage to or destroy any public property shall be liable for the costs of replacing or repairing such damaged or destroyed property. The parent or parents of any unemancipated minor child who violates any section of this chapter may also be held liable for the cost of replacing or repairing such damaged or destroyed property in accordance with Section 895.035, Wis. Stats.

Section XVIII: All ordinances or parts of ordinances conflicting with or contravening the provisions of this

ordinance are hereby repealed.

Section XIX: This ordinance shall take effect upon passage and posting as provided by law.

The above and forgoing ordinance was duly adopted by the Town Board of the Town of Dunn, Dane County, Wisconsin at its meeting held the 18th day of March, 2014.

TOWN BOARD, TOWN OF DUNN

DANE COUNTY, WISCONSIN

BY: \_\_\_\_\_

Edmond Minihan, Chairman

ATTESTED:

BY: \_\_\_\_\_

Cathy Hasslinger, Town Clerk

Adopted: \_\_\_\_\_

Posted: \_\_\_\_\_

Published: \_\_\_\_\_