

## **TITLE 4 - PUBLIC WORKS**

### **Chapter 5 - Regulation of Parks**

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**4.5.1 Park Regulations.**

**4.5.1.01 Purpose and Definition**

In order to protect the parks, parkways, recreational facilities and conservancy areas within the Town 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 Town.

**4.5.1.02 Specific Regulations**

- (A) Littering Prohibited.  
No person shall litter, dump or deposit any rubbish, refuse, earth or other material in any park, except by placing such material in receptacles provided for such purpose.
- (B) Sound Devices.  
No person shall operate or play any amplifying system unless specific authority is first obtained from the Town.
- (C) Pets.  
No person shall permit any dog, cat or other pet owned by him to run at large in any park or to allow pets to enter any public buildings, bathing beaches, picnic grounds or playgrounds within any park.
- (D) Bill Posting.  
No person shall post, paste, fasten, pain 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.
- (E) Throwing Stones and Missiles Prohibited.  
No person shall throw stones or other missiles in or into any park.
- (F) Removal of Park Equipment Prohibited.  
No person shall remove benches, seats, tables or other park equipment from any park.
- (G) Trapping.  
No person shall trap in any park unless specific written authority is first obtained from the Town Board.
- (H) 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.
- (I) 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. 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.

- (J) Motorized Vehicles.  
No person shall operate an unlicensed or licensed motorized vehicle outside of areas specifically designated as parking areas, except areas where the operation of such vehicles is specifically permitted.
- (K) Closing Hours.  
All Town parks shall be closed between 10:00 p.m. and 6:00 a.m.
- (L) Reckless Driving in Parks Prohibited.  
No person shall operate a motor vehicle in a reckless manner in any of the public parks of the Town.
- (M) Parking in Parks.  
No person shall park any motor vehicle in any park in the Town except in a designated parking area.
- (N) Illegal Entry.  
It shall be unlawful for any person to enter in any way any park building, installation or area after the posted closing time or before the posted opening time, or contrary to posted notices.
- (O) Firearms.  
Within a Town park it shall be unlawful for any person to have in his possession or under his control:
  - (1) Any firearm or airgun as defined in the Wisconsin Statutes, unless the same is unloaded and enclosed in a carrying case;
  - (2) Any bow, unless the same is unstrung or enclosed in a carrying case or unless written permission has first been granted by the Town Board to use a bow in a specific, supervised sport or activity, and then only within a designated area; provided, however, that it shall be unlawful to engage in any sport or activity involving a strung bow that constitutes a safety hazard in the judgment of any enforcement or Town Board personnel. Hunting is prohibited in all Town parks and recreational areas.
- (P) Horseback riding shall be prohibited in any park, except in areas specifically designated and posted for such purposes.

**4.5.2 Radio-Controlled Model Airplanes Prohibited in Parks.**

No person shall fly a radio-controlled model airplane in any park in the Town of Grafton except in areas specifically designated and posted for such purposes.

**4.5.3 Use of Metal Detectors on Public Property.**

Absent authorization by the Town Board, the use of metal detectors and digging for buried objects on Town property, except beaches where no vegetation is present, is prohibited.

**4.5.4 Fees and User Regulations.**

**4.5.4.01 Fee Schedule**

It shall be unlawful for any person to use any Town park facility, shelter, land or recreational area for which a fee or charge has been approved by the Board without payment of such fee or charge. Fees and charges shall be reviewed annually.

**4.5.4.02 Special Fees**

Any park structure, facility or area other than the above may be reserved or rented for special purposes subject to the approval of the Town Board. Fees may be established for recreational programs where costs warrant them. The Town Board shall establish a fee schedule for each facility or recreational program.

**4.5.4.03 Additional Rules**

Rules and regulations may be made from time to time by the Town Board governing the further use of and enjoyment of Town parks, parkways, playgrounds, beaches, boat landings, campgrounds, lakes, streams and the facilities thereof. Any person who shall violate such rules or regulations may be excluded from the use of such facility.

**4.5.4.04 Permits**

Any person to whom a permit shall have been issued by the Town Board or agent thereof shall be bound by the provisions of all Ordinances and rules of the Town of Grafton as fully as though the laws were inserted in each permit.

**4.5.5 Public Utilities and Private Construction.**

**4.5.5.01 Public Utilities - Location**

The location of all sewers and receivers, gas pipes, water pipes, stopcock boxes, hydrants, lamp posts, telegraph, telephone and electric power posts and lines, manholes, conduits and pumps within any Town park or parkway shall be subject to the jurisdiction and control of the Town, and their construction, repair or relocation shall be undertaken only after written permission is received from the Town.

**4.5.5.02 Private Construction**

- (A) No curb, whether stone, concrete or glass shall be cut for the purpose of constructing a private driveway across any parkway border, nor for any other purpose, without the written permission of the Town.
- (B) The location, width, grade and construction of all paths, driveways and roadways across any sidewalk bordering along any parkway shall be subject to the approval of the Town and constructed only after written permission is obtained from the Town.

**4.5.6 Reservation of Park Space or Shelters.**

**4.5.6.01 Policy on Reservation**

The Town-owned park and park facilities and shelter areas 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 Town-owned parks, park facilities, shelters or parts thereof in the Town to the end that the general welfare of the Town is protected.

**4.5.6.02 Reservation of Park Space**

A person or group, firm, organization, partnership or corporation may reserve the use of a park facility or shelter by written application filed with the Town Clerk for a permit for exclusive use of the same. The Clerk shall issue permits for exclusive use of a shelter, while the Town Board shall issue permits for the exclusive use of Town parks.

**4.5.6.03 Application**

Applications shall be filed with the Clerk 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 shelter is to be used and shall set forth the following information regarding the proposed exclusive use:

- (A) The name, address and telephone number of the applicant.
- (B) 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.
- (C) The name, address and telephone number of the person who will be responsible for the use of said park, area or facility.
- (D) The date when the exclusive use is requested and the hours of the proposed exclusive use.
- (E) The anticipate number of persons to use the said park, area or facility.
- (F) Any additional information which the Town Board or its designee finds reasonably necessary to a fair determination as to whether a permit should be issued.

**4.5.6.04 Deposit**

All applicants for reservation of park space or shelters for which a permit is required shall pay a deposit of Twenty-five Dollars (\$25.00) to pay for the Town's maintenance and clean-up expenses. The deposit shall be returned if cleanup or repair by the Town is not required.

**4.5.6.05 Action on Application**

The Town Board or appropriate designee thereof shall act as promptly on all applications for permits for exclusive park use (not shelter use) after consulting with the applicant, if necessary.

**4.5.6.06 Reasons for Denial**

Applications may be denied for any of the following reasons:

- (A) If it is for a use which would involve a violation of federal or state law or any provision of this Code.
- (B) If the granting of the permit would conflict with another permit already granted or for which application is already pending:
- (C) If the application does not contain the information required by Subsection 4.5.6.03(C) above.
- (D) The application is made less than the required days in advance of the scheduled exclusive use.
- (E) 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.
- (F) 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 Town.
- (G) The exclusive use will reasonably create a substantial risk of injury to persons or damage to property.
- (H) The exclusive use is so poorly organized that participants are likely to engage in aggressive or destructive activity.

**4.5.6.07 Indemnification**

Prior to granting any permit for exclusive use of the park, the Town 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 Town 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 Town and such third parties as may be injured or damaged thereby caused by the permittee, its agents or participants.

**4.5.6.08 Permit Not Required for Town Activity**

A permit is not required for exclusive use of the park or a park facility sponsored by the Town.

**4.5.6.09 Permit Revocation**

The Town Board, 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 major change in the conditions forming the basis of the issuance of the permit.

**4.5.6.10 Form of Permit**

Each permit shall be in a form prescribed by the Town Board 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.

**Wisconsin Statutes Cited in Title 4, Chapter 4**

None

**Town Code**

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