

Chapter 46

PARKS AND RECREATION*

***Cross references**--Recreation committee, § 2-161 et seq.; streets, highways and other public places, ch. 62; waterways, ch. 78.

Sec. 46-1. Penalties.

Sec. 46-2. General rules and regulations.

Sec. 46-3. Private use.

Sec. 46-4. Sponsorships and Donations.

Sec. 46-1. Penalties.

(a) For any adult adjudged to have violated the provisions of this chapter, the municipal court is authorized to impose a forfeiture as specified in section 1-8.

(b) Any adult found guilty of violating any provisions of this chapter who shall previously have been convicted of a violation of the provision of this chapter within one year shall upon conviction thereof, be subject to section 1-8.

(c) For any juvenile adjudged to have violated this chapter, the municipal court is authorized to impose any of the dispositions listed in Wis. Stats. §§ 938.17(2), 938.343 and 938.344, in accordance with the provisions of those statutes, and such statutes are hereby adopted and incorporated in this section. The court is also authorized to require payment for alcohol and other drug abuse services in accordance with Wis. Stats. § 938.361, and such statute is hereby adopted and incorporated in this section. Any future amendments, revisions or modifications of the current or future statutes incorporated in this section, are intended to be made part of this section in order to secure uniform statewide regulation of peace and good order of the state.

(d) For any juvenile adjudged to have violated an ordinance who violates a condition of a dispositional order of the court imposed under Wis. Stats. §§ 938.343 or 938.344, the municipal court is authorized to impose any of the sanctions listed in Wis. Stats. §§ 938.355(6)(d) and 895.035, in accordance with the provisions of those statutes, and such statutes are hereby adopted and incorporated in this section. Any future amendments, revisions or modifications of the current or future statutes incorporated in this section, are intended to be made part of this section in order to secure uniform statewide regulation of peace and good order of the state.
(Ord. No. 2002-19, § 3, 12-11-2002)

Sec. 46-2. General rules and regulations.

The following rules and regulations shall apply in town parks:

- (1) *Individual conduct.*
 - a. There shall be no activities by any person or organization for which a charge is made without the recreation director or designee approval.
 - b. There shall be no willful disfigurement of buildings or equipment. Wis. Stats. §§ 943.01--943.05, exclusive of penalties, are incorporated in this section by reference.
 - c. Restroom facilities shall be used only for their intended purpose, and no person shall urinate or defecate in the park except within designated facilities.

- d. There shall be no littering in any form.
- e. No person or organization will be permitted private or exclusive use of any areas or buildings without a permit of the recreation director or designee, as described in section 46-3.
- f. There shall be no walking of dogs or allowing domestic animals including without limitation dogs, cats or horses of any kind to be in the park.
- g. There shall be no consumption of alcoholic beverages without prior permission of the town board. The town board may grant a special authorization for beer or wine.
- h. There shall be no hawking, merchandising or selling of any articles without prior permit of town board.
- i. There shall be no advertising of any nature permitted in the park without town board permission.
- j. There shall be no placing or posting of signs, placards or advertisements whatsoever, except official town signs, without town board permission.
- k. No person shall carry, fire or discharge any gun, pistol or firearm, nor any rocket, torpedo of any description, nor shall any person engage in trapping; nor shall any person hunt with bow and arrow within any park or parkway. The term "gun" shall include airgun.
- l. No person shall make or kindle a fire for any purpose except in places provided therefor and then subject to such regulations as may be prescribed. The use of grills 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 disposed of in such manner as to prevent fire or damage to any park property.
- m. Glass bottles are prohibited in all town parks.
- n. There shall be no overnight parking or camping.

(2) *Vehicles.*

- a. Rate of speed is limited to ten miles per hour.
- b. There shall be no parking of vehicles in other than designated lots

and roadways.

- c. There shall be no operating of motorized vehicles in other than designated lots and roadways.
- d. Entrance to the shelter area and/or parking of any motor vehicle in the shelter area is prohibited except by a daily pass, issued by the recreation director or designee, stating date, time of access allowed, name of person operating vehicle and authorizing signature.

(3) *Hours.*

- a. Except for vehicular traffic moving upon through streets and roadways, and except when the town board or its designee publishes general permission to use all or certain parks or parkways, the parks and parkways shall be closed at 10:00 p.m. each night until sunrise the following morning. No person shall remain therein during such hours, provided that, the town board may from time to time, in all or any of the parks or parkways, publish or post closing hours different from those set out in this subsection.
- b. In the case of any emergency, or when in the judgment of the town board the public interest demands it, any portion of the parks or parkways or buildings therein may be closed to the public or to designated persons until permission is given to return.

(4) *Town department of public recreation.* The town parks shall be for the principal use of town department of public recreation.

(Ord. No. 2002-19, § 1, 12-11-2002)

Sec. 46-3. Private use.

Individuals and nonprofit organizations may use town park facilities for private purposes (private use) in full compliance with all of the following conditions:

- (1) Private use is available only for nonprofit organizations and individuals.
- (2) Private users must enter an approved private use agreement with the town, and abide by all of the terms thereof.
- (3) The responsible party who enters into the private use agreement must be a town resident or a Village of Mukwonago resident, and the responsible party must be present at all times throughout the private use, unless in the case of an emergency. In case of an emergency, the town recreation

director, at his sole discretion, can authorize another town resident to be the responsible party, provided that the other town resident accepts the responsibilities of the responsible party and agrees to be present at all times throughout the private use.

- (4) Town park facilities available for private use are limited to the park shelter and the immediately surrounding area of the park, unless additional or fewer facilities are specified by the town board.
- (5) Town park facilities for private use shall be available on a "first come, first serve" basis, with reservations for any calendar year being first accepted at 8:30 a.m. on the first working day in January.
- (6) No commercial uses are permitted.
- (7) Town functions will take priority. Private use of the facilities shall not be to the exclusion of town uses. Town officials and employees may enter the premises at any time, even during the private use, for any purpose.
- (8) Private use of the facilities by any private party shall be limited to no more than three uses in any 12-month period. Similarly, private use of the facilities by or on behalf of any organization shall be limited to no more than three uses in any 12-month period.
- (9) Reservations for use of the town park facilities shall be made with the town recreation director or designee by executing the approved private use agreement, and paying the fee and security deposit in advance.
- (10) The amount of the reservation fee and security deposit shall be set from time to time by separate resolution of the town board. The security deposit will be held to cover damage and improper care, and necessary cleaning, if any. Any portion of the deposit that remains after all of the town's costs to fully correct any such damage and cleaning are deducted shall be returned to the user as authorized by the town recreation director. The user shall reimburse the town for any costs of repair or cleaning that exceed the amount of the deposit within 30 days of being invoiced by the town.
- (11) In the event the reservation is canceled prior to the event, the security deposit shall be refunded. The reservation fee will not be refunded, however, unless the reservation is canceled at least 14 days prior to the event.
- (12) The town shall not be responsible for anything left, lost or stolen on the premises.
- (13) Private use of the town park facilities is subject to all of the rules,

regulations, resolutions and ordinances of the town and subject to strict compliance with the terms of the town private use agreement.

- (14) The town recreation director is authorized to refuse facility usage when, based on past use, that experience or usage has been unfavorable as determined by the town recreation director.

(Ord. No. 2002-19, § 2, 12-11-2002)

Sec. 46-4. Sponsorships and Donations.

1. The Recreation Director shall have the authority to solicit sponsorships and donations for equipment or facilities used for recreation department activities. All requests for sponsorship and donations shall be forwarded to the Town Chair for approval determination in accordance with subsection 2, below and a list of the sponsorships and donations approved shall be filed with the Town Board.
2. All sponsorships and donations shall be subject to the approval of the Town Chair. Basis of approval shall include, but not be limited to:
 - a) The suitability of the written signs, or displays or public recognition of donors and sponsors to the equipment proposed;
 - b) The suitability of the written signs, or displays or public recognition of donors and sponsors to the age of the participants of the recreation department activity where they will be displayed;
 - c) The suitability of the written signs, or displays or public recognition of donors and sponsors to the facility where it will be displayed;
 - d) The amount of money that the donation or sponsorship will generate for the town;
 - e) Compliance with all other ordinances in effect in the Town;
 - f) The acceptability of any conditions attached to the donation, and the purpose for which the donation is made.
 - g) Any other conditions the Town Chair determines are appropriate.
3. All donations shall be made to the Town of Mukwonago, and not to any department or unit with the Town government. If the donation is cash, it shall be placed in the general fund of the Town of Mukwonago, unless specifically directed otherwise by the Town Board.
4. If it is contemplated that there will be any written sign or display or other public recognition of the donation or sponsorship, the donor or sponsor shall sign an acknowledgment form. There shall be no contractual rights associated with the recognition, sign or display, but instead the recognition, sign or display shall be deemed to be the Town's voluntary and revocable recognition of the donation.

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5. All signs, displays or other public recognition shall be subject to Town Board approval.
(Ord. 2007-7 § 1 1-27-09)

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