

CHAPTER 1

Park Regulations

SEC. 12-1-1 PARK REGULATIONS.

- (a) **PURPOSE AND DEFINITION.** In order to protect the parks, parkways, recreational facilities and conservancy areas within the City 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 City.
- (b) **SPECIFIC REGULATIONS.**
- (1) Littering. No person shall litter, dump or deposit any rubbish, refuse, earth or other material in any park.
 - (2) Sleeping, Camping or Lodging in Parks. Sleeping, camping or lodging in parks is forbidden.
 - (3) Pets. Subject to the exceptions below, dogs, cats or other pets are prohibited in all City parks, unless permitted by the Parks and Recreation Board.
 - a. Animals specifically trained to assist the disabled. This does not include emotional support animals.
 - b. Dogs, cats or other pets owned by Marina renters or their guests are permitted in the fenced-in area of the Menasha Marina.
 - c. Dogs, cats or other pets are allowed on all designated paved trails, provided they are on a leash not more than five feet long that is not retractable. Pets are not allowed on playgrounds, athletic fields, picnic areas, lawns or in park shelters. The owner must also comply with sec. 7 – 1 – 10 relating to animal feces.
 - d. No dogs, cats or other pets shall be allowed on the Friendship Trail in Jefferson Park on July 4th after 12 p.m. The Chief of Police or the Director of Parks and Recreation or their respective designee may restrict pets from the designated trails at other times if an event is scheduled that could reasonably create a conflict between the dogs and the persons attending the event.
 - e. Animals sponsored or owned by individuals of a petting display, pony ride, animal show, obedience school, wedding ceremony, funeral, or any other event deemed appropriate by the Parks and Recreation Board may be approved to be in parks.
 - f. Animals in an enclosed motor vehicle.
 - (4) Advertisement in the Parks. No person shall post, paste, fasten, paint or attach any placard, target, banner, flag, bill, notice, sign or advertising matter upon any structure, tree or other natural object in any park, except park regulations and other signs with the written permission of the Parks and Recreation Board.
 - (5) Throwing Stones and Missiles. No person shall throw stones or other missiles in or into any park.

- (6) Removal of Park Equipment. No person shall remove benches, seats, tables or other park equipment from any park.
- (7) Trapping. No person shall trap in any park unless specific written authority is first obtained from the Parks and Recreation Board.
- (8) 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.
- (9) 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 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, or shall hitch any animal to park trees.
- (10) Motorized Vehicles. Motor vehicles are restricted to the roads and drives and parking areas. Except for authorized maintenance and emergency 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. Ref Sec. 12-1-14(b). No motor vehicles of any nature may be used on the seeded areas except vehicles which have a permit for shows, rides or exhibits and then only for the purpose of loading and unloading.
- (11) Snowmobiles. No person shall operate a snowmobile in a City park, except for authorized maintenance purposes.
- (12) Speed Limit. No person shall operate any vehicle in a City park in excess of 15 m.p.h. unless otherwise posted.
- (13) Glass Beverage Bottles in Parks. 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.
- (14) Reckless Driving in Parks. No person shall operate a motor vehicle in a reckless manner in any of the public parks of the City.
- (15) Parking in Parks. No person shall park any motor vehicle in any park in the City except in a designated parking area.
- (16) Horse and Carriages. No person shall ride a horse or drive a horse-driven vehicle in any park, except on roads or designated bridle paths, except when approval of the Parks and Recreation Board is first obtained. It shall be unlawful for any person to ride a horse or drive a horse-driven vehicle in a careless, negligent or reckless manner which may endanger the safety and well-being of others.
- (17) Removing Tree Protectors. No person shall remove any device for the protection of trees or shrubs.

- (18) Golfing and Sporting Activities. No golfing or practicing of golf in City parks or recreation areas shall be allowed, except for miniature golf and other modified forms of the game approved by the Park and Recreation Department.
- (19) Arrows. No person shall use or shoot any bow and arrow or crossbow in any City park, except in authorized areas.
- (20) Firearms; Hunting. Possessing or discharging of any firearm or weapon of any kind is prohibited in all City parks.
- (21) Fish Cleaning. Cleaning of fish is prohibited in all City parks.
- (22) Controlled Substances. Possessing, using or dispensing of a controlled substance in violation of the Uniform Controlled Substances Act is prohibited in all City parks.
- (23) Trespassing in Parks.
 - a. No person may be present in any City of Menasha park after an order of eviction has been made by the Park Board.
 - b. Service of such order of eviction shall constitute the notice that the person has been evicted from City of Menasha parks.
 - c. Any person who violates Sec. 12-1-1 (b)(23) shall upon conviction forfeit not more than \$500.

SEC. 12-1-2 RADIO-CONTROLLED MODEL AIRPLANES PROHIBITED IN PARKS.

No person shall fly a radio-controlled model airplane or helicopter in any park in the City of Menasha except in areas specifically designated and posted for such purpose.

SEC. 12-1-3 TURF PROTECTION ON PUBLIC PROPERTY.

Except as authorized by the Common Council, no person shall dig into the turf of any City-owned property for any purposes whatsoever or remove any trees or flowers. Absent authorization by the Parks and Recreation Board, the use of metal detectors and digging for buried objects on City property, except beaches where no vegetation is present, is prohibited.

SEC. 12-1-4 PARK HOURS.

- (a) **PARK HOURS.** Subject to certain exceptions listed below, all City parks shall be closed to persons from 11:00 p.m. to 4:00 a.m. the following day.
- (b) **EXCEPTIONS TO CLOSING HOURS.**
 - (1) Persons launching or loading a boat at a public boat ramp or a public dock.
 - (2) A person driving through a park on a public road; however, stopping shall not be permitted within a park.
 - (3) Organized groups who shall obtain a permit from the City of Menasha for the use of any facility under the control of the Parks and Recreation Board.
 - (4) The Heckrodt Wetland Reserve shall be closed from 9:00 p.m. to 6:00 a.m. the following day, unless adjusted by the Heckrodt Board of Directors.

- (5) The Municipal Beach shall be closed from 9:00 p.m. to 7:00 a.m. the following day.
 - (6) Hart Park shall be closed from 10:00 p.m. to 7:00 a.m. the following day.
 - (7) Scheduled games shall be allowed to continue at Koslo Park until 12:00 a.m.
 - (8) The Kaukauna Street Fountain, Main Street Fountain, Tayco Street Fountain, and Curtis Reed Square shall have no closing hours.
 - (9) Any other exception specifically approved by the Parks and Recreation Board
- (c) **PARK CLOSING AND OPENING DATES.** The Parks and Recreation Board will have full authority to open and close any park, beach, facility or area because of season, condition, construction or when, in the interest of public safety, it is deemed necessary.

SEC. 12-1-5 RESERVATION OF PARK SPACE.

- (a) **POLICY ON RESERVATION.** The City-owned park and park facilities and shelter areas are primarily for the nonexclusive use of the residents and visitors of the City. 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, park facilities, park shelters or parts thereof in the City to the end that the general welfare of the City is protected.
- (b) **RESERVATION OF PARK SPACE.** A person or group, firm, organization, partnership or corporation may reserve the use of a park facility or a park shelter by written application filed with the Director of Parks and Recreation for a permit for exclusive use of the same. The Director of Parks and Recreation shall issue permits for exclusive use of a portion of a park or park shelter. The Parks and Recreation Board shall issue permits for events planning to sell alcohol or fermented malt beverages or for multi-day events. Park facilities may be reserved under policies and procedures established by the Park and Recreation Board.
- (c) **APPLICATION.** Applications shall be filed with the Parks and Recreation Department pursuant to the policies established under sec. 12 – 1 – 5 (b).
- (d) **ACTION ON APPLICATION.** The Parks and Recreation Board shall act on all applications for permits for exclusive park use (not shelter use) after consulting with the applicant, if necessary.
- (e) **REASONS FOR DENIAL.** Applicants 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 provision of this Code.
 - (2) If the granting of the permit would conflict with another permit already granted or for which application is already pending.
 - (3) If the application does not contain the information required by Subsection (c) above.
 - (4) The application is made less than the required days in advance of the scheduled exclusive use.
 - (5) 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.

- (6) 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 City.
- (7) The exclusive use will reasonably create a substantial risk of injury to persons or damage to property.
- (8) The exclusive use is so poorly organized that participants are likely to engage in aggressive or destructive activity.
- (f) **INDEMNIFICATION.** Prior to granting any permit for exclusive use of the park, the City 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 City 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 City and such third parties as may be injured or damaged thereby, caused by the permittee, its agents or participants.
- (g) **PERMIT NOT REQUIRED FOR CITY ACTIVITY.** A permit is not required for exclusive use of the park or a park facility sponsored by the City.
- (h) **PERMIT REVOCATION.** The Director of Parks and Recreation and/or Chief of Police 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 a major change in the conditions forming the basis of the issuance of the permit.
- (i) **FORM OF PERMIT.** Each permit shall be in a form prescribed by the Parks and Recreation 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.
- (j) **CLASS B FERMENTED MALT BEVERAGE LICENSES.** When fermented malt beverages are sold at any event authorized by this section, a valid Fermented Malt Beverage license shall be obtained and the provisions of Sections 7-2-11 and 11-5-1 shall be fully complied with. Said license must be held by the person who filed the original license and shall be presented to any law enforcement officer upon request.

Cross Reference: Sections 7-2-11 and 11-5-1.

SEC. 12-1-6 FEES FOR RECREATION PROGRAMS; PARK USER FEES, BOAT STALL USER FEES, AND CEMETERY USER FEES.

- (a) **RECREATION PROGRAM FEES, PARK USER FEES, BOAT STALL USER FEES, AND CEMETERY USER FEES.** On or before March 1 of each calendar year the parks and Recreation Board shall recommend to the Common Council certain fees for the parks and recreation programs, cemetery fees, and boat stall fees. If the same fee is not amended by the Common Council, said fee shall stand. New certification to the Common Council is not necessary the following years if the fees remain unchanged.

SEC. 12-1-7 BATHING AND SWIMMING REGULATIONS.

- (a) No person shall wade, bathe, or swim within a park, parkway, or trail including trestles except at such pool or beach as is provided for that purpose by the Parks and Recreation Board.
- (b) No person shall wade, bathe, swim in, or attend at any such pool or beach without proper bathing attire as prescribed by posted rules and regulations.
- (c) Persons using the pool or beach are subject to rules and regulations of such pool or beach.

SEC. 12-1-8 ACTIVITIES AT MUNICIPAL BEACH SITE REGULATED.

- (a) **CERTAIN ACTIVITIES PROHIBITED.** No activities other than swimming or wading shall be permitted in the defined area, nor may persons enter such area except from the beachhead.
- (b) **AREA DEFINED.** Said area shall be defined as commencing from a point where the easterly extremities of the property line meets the water's edge, then proceeding in a southerly direction (onto Lake Winnebago) approximately one hundred fifty (150) yards from the shoreline and then continuing in a westerly direction approximately one hundred fifteen (115) yards to a point. Then proceed in a northerly direction to where the western extremities of the property line meet the water's edge.
- (c) **BUOYS TO BE INSTALLED.** The Parks and Recreation Department is charged with the installation and obtaining of said buoys according to Wisconsin Department of Natural Resources specifications.

SEC. 12-1-10 AMPLIFYING SYSTEMS AND DEVICES REGULATED.

No voice or music amplifying system shall be permitted in any of the parks without a permit from the Parks and Recreation Director. Where the Parks and Recreation Director has issued a permit for any group or sports activity this shall include the use of any music or voice amplifying equipment. Amplifier volume must be controlled so that the sound is not objectionable beyond the confines of the park. Sound systems must be tuned not to be heard beyond a distance of 20 feet from the source, including those contained in motor vehicles.

SEC. 12-1-11 ALCOHOLIC BEVERAGES IN CITY PARKS.

- (a) **PROHIBITED HOURS.** No alcoholic beverages shall be brought into the parks of the City of Menasha or consumed between the hours of 11:00 p.m. and 7:00 a.m. Use and consumption of alcoholic beverages at other times shall be governed by the provisions of Section 11-5-1(b) of this Code of Ordinances.
- (b) **USE OF ALCOHOLIC BEVERAGES PROHIBITED AT SMITH PARK.** The use, vending, and consumption of any beverage containing alcohol is hereby prohibited in Smith Park and the buildings thereon.

Cross-Reference: Section 11-5-1(b).

SEC. 12-1-12 SELLING OF MERCHANDISE IN PARKS AND PUBLIC GROUNDS.

- (a) **SALES AND SOLICITATION FOR SALES PROHIBITED WITHOUT PERMIT.** No person shall sell or offer for sale any service, food, refreshment, article, merchandise or thing, nor solicit for or pursue any trade, occupation, business or profession, within any park, without first obtaining a written permit from the Director of Parks and Recreation or designee.
- (b) **RULES AND REGULATIONS.** The Parks and Recreation Board is directed to enact any and all reasonable rules and regulations to carry out the intent of this Section. Park facility sponsorships through signage or other means of recognition may be considered.
- (c) **EXCEPTIONS.** This Section shall not apply when the Mayor permits the same by issuing a proclamation in regard to an event of community-wide interest that does not involve the sale or serving of alcoholic beverages.
- (d) **FEES.** Fees for the permits described above shall be recommended by the Parks and Recreation Board from time to time to the Common Council.

SEC. 12-1-13 MENASHA SKATE PARK AT HART PARK.

- (a) Only non-motorized wheeled equipment permissible for use at Menasha Skate Park at Hart Park shall include:
 - (1) skateboards
 - (2) bicycle
 - (3) in-line skates/roller blades
 - (4) roller skates
 - (5) roller shoes
- (b) Smoking shall be prohibited within five yards of the concrete of the skate deck

SEC. 12-1-14 TRAILS AND BICYCLE WAYS.

- (a) Except as specifically noted therein, all rules and regulations contained in Sec. 12-1-1 through Sec. 12-1-13 shall apply to all trails.
- (b) Electric bicycles, electric personal assistive mobility devices, electric scooters, skateboards, non-motorized scooters, roller blades, bicycles or any other micro-mobility vehicle which is exempt from state registration under ch. 341 Wis. Stats. are permitted on any trail and bicycle way. Reference Sec. 10-2-1(d).
- (c) Pedestrians have the right of way on all trails and bicycle ways.
- (d) All trail systems shall be open as posted.