

AN ORDINANCE CREATING SECTIONS 9.02
TO 9.18 OF THE MUNICIPAL CODE OF THE TOWN OF
SHEBOYGAN, SHEBOYGAN COUNTY, WISCONSIN
REGULATING PARKS AND RECREATION

WHEREAS, the Town Board of the Town of Sheboygan hereby finds and determines that the public health and safety requires that it establish rules and regulations for the use and operation of its parks.

NOW, THEREFORE, the Town Board of the Town of Sheboygan, Sheboygan County, does ordain as follows:

Section 1. Creating Code. Sections 9.02 to 9.18 of the Municipal Code of the Town of Sheboygan are hereby created to read as follows:

"9.02 Use of Parks by Public. All lands owned by the Town for parks shall, except when otherwise provided, be free to all persons, subject to such necessary and reasonable rules and regulations, which shall, from time to time, be adopted by the Town Board of the Town of Sheboygan.

"9.03 Management and Maintenance. The management, maintenance and care of the Town parks shall be under the supervision of the Director of Public Works, or as otherwise directed by the Town Board.

"9.04 Time Restrictions, Hours of Operation.

"(1) Generally. Town parks are open to the public year round, or as otherwise designated by the Town Board.

"(2) Hours of Operation. All Town parks shall be closed to all vehicular traffic and to all persons between the hours of 9:00 p.m. and 8:00 a.m. year round, except as follows:

"(a) The designated recreational trail/walking path/bike path and the designated parking areas related to said recreational trail shall be closed between the hours of 10:00 p.m. and 5:00 a.m.; or

"(b) Other hours upon the prior approval of the Town Board or the Director of Public Works.

"9.05 Use of Entire Park or Designated Areas by Permit.

"(1) The Town Board may grant, by permit, the exclusive use of an entire park, or any portion thereof, to groups or organizations for the

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purpose of annual celebrations or special events. The Town Parks, or portions thereof, shall not be used by private groups or individuals for commercial or for-profit activities. Public brat fries or other charitable activities sponsored by local public service clubs or organizations, or other not-for profit entities, may, by permit, be allowed to use public parks provided that any and all proceeds derived from said event will be used for charitable or public purposes. The fee for such permit shall be established by the Town Board. All Town park rules and regulations shall govern the use of the parks and park facilities.

"(2) Picnic parties shall be permitted only in such areas of Town parks as may be designated by the Town Board or the Director of Public Works. Persons obtaining park permits for designated areas on specific days shall have a prior right to use such areas.

"(3) A Town of Sheboygan park permit shall be obtained from the Town Hall, Town of Sheboygan on forms supplies by the Town. A park permit rental and reservation fee in the sum of Twenty-five Dollars (\$25.00), plus a refundable Fifty Dollar (\$50.00) security deposit, shall be paid to the Town upon filing of an application for Town of Sheboygan park permit. The fees and security deposits shall periodically be reviewed and adjusted as necessary by the Town Board of the Town of Sheboygan.

"9.06 Motor Vehicles Prohibited. No person shall ride, drive, propel, operate or park any automobile, motorcycle, snowmobile, or other vehicle on the walks or lawns of any park, except on the drives, lots, or areas specifically provided or designated for such purposes or unless parking in such areas is by necessity and specifically authorized for an event by the Town Board or the Director of Public Works.

"9.07 Malicious Mischief.

"(1) No person shall destroy, mutilate, injure or remove any fence, railing, bridge, building, fountain, seat, sign, pipe, hydrant, walk, drive, curb, gutter, apparatus, or other fixed or movable property of any kind, nor shall any person injure, remove or mutilate any tree, shrub, plant or flower in any of the Town park or public property.

"(2) No person shall use apparatus, equipment or courts for purposes other than their intended usage.

"9.08 Loitering Near Bathroom Areas. No person shall loiter immediately adjacent to or within any public bathroom facility located within a Town park.

"9.09 Disorderly Conduct. No person shall engage in any disorderly conduct or in any lewd or lascivious talk, act or behavior in any park.

"9.10 Vending. No person shall sell, offer, or expose for sale, or give away any goods, wares or merchandise in any park without permission from the Town Board or the Director of Public Works.

"9.11 Alcohol Possession/Consumption:

- "(1) The possession or consumption of fermented malt beverages or intoxicating liquors is permitted in all Town parks, except; no person shall drink or carry any open cup, can, glass, bottle or similar drinking vessel containing alcohol or fermented malt beverages in any Town park between the hours of 9:00 p.m. and 8:00 a.m.
- "(2) No person shall bring in or possess within any Town park any cup, glass, flask, bottle or other container made of glass designed or used for holding a beverage.

"9.12 Archery and the Discharge of Firearms Prohibited. No person shall at any time engage in or practice archery or discharge any firearm within any Town park.

"9.13 Golf Prohibited. No person shall at any time play golf or practice golf in any Town park.

"9.14 Fire Control.

- "(1) No person shall burn any wood, grass, leaves or rubbish or other combustible or flammable materials within any Town park, except the following:
 - "(a) Fires set for outdoor cooking in metal fryers in designated picnic areas.
 - "(b) As otherwise permitted by the Town Board or Director of Public Works.

"9.15 Trespass.

- "(1) The Town Board, or the Director of Public Works, or their authorized designees, may eject a person from all Town parks for a period of time not to exceed ninety (90) days if that person violates park rules, Town ordinances, or state laws within a Town park.
- "(2) It shall be unlawful for a person to enter a Town park during the period of ejection under subsection (1) above.
- "(3) A parent, guardian, or other person having custody of an unemancipated minor child, who has been advised of the child's ejection from the Town parks, may be cited if the child trespasses in a Town park in violation of subsection (2) above. Citations may be issued under this subsection regardless of whether the child is

cited. 'Custody' has the same meaning as set forth in Wisconsin Statute § 895.035(1)(a) and (b) (1999-2000).

"9.16 Skateboarding Prohibited. No person shall skateboard at any time in any Town park.

"9.17 No Pets Allowed. No dogs, cats, horses, or any other pets or animals shall be allowed within any Town park.

"9.18 Penalties. The penalty for violation of this section shall be a penalty as provided in Section 11.04(1) of this Code. A separate offense shall be deemed committed on each day on which a violation of any provision of this section occurs or continues."

Section 2. Effective Date. The herein Ordinance shall take effect immediately upon enactment and publication as provided by law.

Enacted this 18th day of Oct, 2002.

TOWN OF SHEBOYGAN

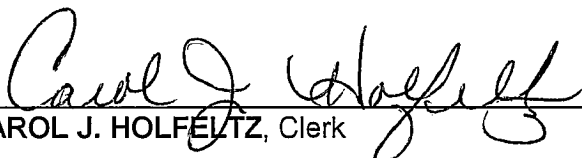
By



DANIEL W. HEIN, Chairperson

CERTIFICATE OF CLERK

I hereby certify that the foregoing Ordinance was duly enacted by the Town Board of the Town of Sheboygan on the 18th day of Oct, 2002.



CAROL J. HOLFELTZ, Clerk