

# CHAPTER 21

## PARKS AND RECREATION

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# PARKS AND RECREATION

## 21.01 PARK REGULATIONS.

**(1) Purpose and Definitions.** In order to protect the parks, parkways, recreational facilities within the City of Middleton from injury, damage or desecration these regulations are enacted. The term "park" as hereinafter used in this section shall include all grounds, structures, lagoons and watercourses which are or may be located within any area dedicated to the public use as a park, parkway, recreation facility in the City, but not including any lands designated as conservancy under Section 21.03(1) of this Code. The term "person" shall include any individual, firm, corporation or group of persons.

### **(2) Specific Regulations.**

(a) **Park Hours.** Each park shall be closed and all activities therein shall be terminated at 10:00 P.M., daily, and shall not reopen until 5:00 A.M. the following morning, except for the Quarry Park Skate Facility, which shall open at 8:00 a.m. and shall be closed during hours of darkness, as defined in Wis. Stats. § 340.01(23). No person shall enter or remain in any park at any time other than as herein provided, unless specific written authority is first obtained from the Board of Park, Recreation and Forestry Commissioners.

(b) **Smoking.** No person shall smoke or hold a lighted cigarette, cigar or pipe in any structure within any park, or in any other area in any park where notices prohibiting smoking are posted pursuant to an order of the Board of Park, Recreation and Forestry Commissioners. Smoking shall be prohibited in Firemen's Memorial Park from 7:30 a.m. to 4:00 p.m. on weekdays during the period that regular classes are in session for the Middleton-Cross Plains School District, but not including any official school holidays or breaks when no classes are held or during any special or summer session classes outside the regular school year calendar and the Board of Park, Recreation and Forestry Commissioners shall cause notice of such regulation to be conspicuously posted. Nothing in this subsection shall be construed to limit the Board of Park, Recreation and Forestry Commissioners from ordering and posting more restrictive regulations regarding smoking.

(c) **Dumping.** No person shall dump or deposit any rubbish, refuse, earth or other material in any park. No person shall dispose of trash not generated incidental to park usage in a dumpster or other refuse container located in or upon park property unless specific written authority is first obtained from the Public Lands Manager.

(d) **Sound Devices.** No person shall operate or play any amplifying system without a permit pursuant to Section 7.15. To prevent disturbance or disruption at Middleton High School, no outdoor amplified sound permit shall be issued for use at Firemen's Memorial Park from 7:30 a.m. to 4:00 p.m. on weekdays during the period that regular classes are in session for the Middleton-Cross Plains School District, but not including any official school holidays or breaks when no classes are held or during any special or summer session classes outside the regular school year calendar.

(e) **Pets.** No person shall permit any dog, cat or other pet owned by, or under the

care or control of him or her to run at large in any park, except that dogs are permitted in designated dog exercise areas. Pets shall be allowed on leash, no longer than six feet, on trails and pathways only. All pet waste must be picked up and disposed of off park property. Bags, scoops or other appropriate implements for the removal of pet waste must be carried by any person bringing a pet onto park property.

(f) **Bill Posting.** No person shall post, paste, fasten, paint 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 Board of Park, Recreation and Forestry Commissioners and the City Council.

(g) **Vehicles and Parking.** No motorcycle, go-cart, snowmobile or other motor driven vehicle shall be driven or parked in any park, except in designated parking areas. Except as provided in paragraph (q), this prohibition shall not apply to any electric personal assistive mobility device as defined under Wis. Stats. § 340.01(15pm) or to any mechanically propelled wheelchair designed for and used by a person who is physically disabled. Subject to paragraph (q) this prohibition shall also not apply to a motor bicycle as defined under Wis. Stats. §340.01(30) as long as the motor is not in use.

(h) **Throwing Stones and Missiles.** No person shall throw stones or other missiles in or into any park.

(i) **Firearms, Fireworks, Bows and Arrows.** No person shall carry, shoot, fire or discharge any gun, pistol, rocket, torpedo, bow and arrow or any fireworks of any description within or into any park, unless pursuant to a valid license issued under Wis. Stats. § 175.60 or specific written authority is first obtained from the Public Lands Manager and the Chief of Police pursuant to section 16.03(2)(e) of this Code. The word "gun" shall include gas operated guns, pellet guns or any device which will propel projectiles.

(j) **Golf, Hardball.** No person shall shoot or strike a golf ball or throw or bat a hardball in any park, except that hardball may be played in areas designated for this purpose.

(k) **Moving of Park Equipment.** No person shall remove benches, seats, tables or other park equipment from any park.

(l) **Alcohol beverages.** No person shall have in his or her possession or drink any alcohol beverages regulated under Wis. Stats. Chap. 125 in any park except in those parks designated by the Board of Park, Recreation and Forestry Commissioners. Notwithstanding any such designation by the Board of Park, Recreation and Forestry Commissioners, no person shall have in his or her possession or drink any alcohol beverages in Firemen's Memorial Park between 7:30 a.m. and 4:00 p.m. on weekdays during the period that regular classes are in session for the Middleton-Cross Plains School District, but not including any official school holidays or breaks when no classes are held or during any special or summer session classes outside the regular school year calendar.

(m) **Camping.** No camping shall be permitted in any park, except where prior

approval of the Public Lands Manager is first obtained.

(n) **Trapping.** No person shall trap in any park, unless specific written authority is first obtained from the Public Lands Manager and Chief of Police.

(o) **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.

(p) **Horses 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 where approval of the Public Lands Manager is first obtained. It shall be unlawful for any person to ride a horse or drive a horse drawn vehicle in a careless, negligent or reckless manner which may endanger the well being of others.

(q) **Bicycles, Electric Personal Assistive Mobility Devices, and Motor Bicycles.** All ordinances of the City of Middleton relating to the use of bicycles, electric personal assistive mobility devices as defined by Wis. Stats. § 340.01(15pm) and motor bicycles as defined by Wis. Stats. § 340.01(30), shall be applicable in all parks. Bicycles, electric personal assistive mobility devices and motor bicycles may be ridden on trails and pathways only. Motor bicycles shall not be operated with the motor in use. The Board of Park, Forestry and Recreation Commissioners may designate certain trails or pathways as off limits for bicycle, electric personal assistive mobility device or motor bicycle use and no person shall ride any such vehicle on such trails or pathways. Bicycles, electric personal assistive mobility devices and motor bicycles shall be parked only in areas so designated. Bicycles, electric personal assistive mobility devices and motor bicycles are prohibited within the Quarry Park Skate facility.

(r) **Interference with Permittee.** No person shall in any manner harass, disturb or interfere with persons holding written permits granted by the Board of Park, Recreation and Forestry Commissioners for the use of shelter areas or other park facilities.

(s) **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, remove, or in any manner injure, deface, write upon or ill use any tree, shrub, flower, flowerbed, turf, soil, sand, fountain, ornament building, structure, apparatus, bench, table, official notice, sign, or other property within any park.

(t) **Possession of Glass Beverage Bottles Prohibited.** No one shall possess or consume any beverage in a glass bottle or glass containers in a city park.

(u) **Cleaning of Fish Prohibited.** No one shall engage in the cleaning of fish in a city park.

(v) **Lake Street Boat Launching Facility:** Mooring of boats shall be limited to a maximum of two hours at a time and only in those slips specifically identified and signed for such restrictions.

## **21.02 USE OF PARKS; PERMITS.**

**(1) Group Permits.** Permits for groups wishing to reserve the use of a shelter area, park or other park facility in the City shall apply for and obtain a written permit from the Recreation Department for such use, when first approved by the Board of Park, Recreation and Forestry Commissioners. Persons using park facilities pursuant to such permit shall observe all ordinances and regulations which apply to casual users of the park facilities. In addition to the permit under this section, groups seeking to hold a special event as that term is defined under Section 7.17(2) shall be required to obtain a special permit under Section 7.17.

**(2) Other Permits.** No person shall sell, convey or offer for sale any tangible or intangible articles or merchandise nor solicit for the sale of any article for future delivery or for any subscription to any publication within any City park, except that when a permit shall have been issued pursuant to s. 21.02(1), above, to a civic group, service club or veteran's organization for a community festival or carnival, such sales shall be permitted on the dates covered by such permit.

This section shall not apply to sales of craft supplies and similar items by authorized personnel of the City Recreation Department or under their supervision.

## **21.03 CONSERVANCY LANDS REGULATIONS.**

**(1) Purpose and Definitions.** In order to protect the conservancy lands within the City of Middleton as defined herein from injury, damage or desecration and to further the purposes set forth in Section 2.16(3) of this Code, these regulations are enacted. The term “conservancy” or “conservancy lands,” notwithstanding any designation of land pursuant to the City of Middleton zoning Code or designation of lands by any other authority, shall include only those public lands of the City of Middleton designated as conservancy on the official Park System Map on file in the offices of the City Clerk and Public Lands Manager as approved by the Common Council. Such lands shall include, but are not limited to the following:

- (a) Pheasant Branch Conservancy
- (b) Stricker’s Pond Conservancy
- (c) Tiedeman’s Pond Conservancy
- (d) Graber Pond Conservancy
- (e) Esser Pond Conservancy

### **(2) Specific Regulations.**

- (a) **Conservancy Hours.** Each conservancy shall be open to the public between 5:00

**a.m. until 10:00 p.m. No person shall enter or remain in any conservancy outside these hours unless specific written authority is first obtained from the Public Lands Manager.**

**(b) Smoking. No person shall smoke or hold a lighted cigarette, cigar, or pipe in any structure within any conservancy, or in any other area in any conservancy where notices prohibiting smoking are posted pursuant to an order of the Conservancy Lands Committee.**

**(c) Dumping. No person shall dump or deposit any rubbish, refuse, earth, yard waste or other material in a conservancy. No person shall dispose of trash not generated incidental to conservancy usage in a dumpster or other refuse container located in or upon a conservancy unless specific written authority is first obtained from the Public Lands Manager.**

**(d) Sound Devices. No person shall operate or play any amplifying system unless specific written authority is first obtained from the Public Lands Manager or Recreation Director.**

**(e) Pets. No person shall permit any dog, cat, or other pet owned by, or under the care or control of him or her to run at large in any conservancy. Pets are permitted on leash, no more than six feet in length only on trails designated for pets. All pet waste must be picked up and disposed of off conservancy lands. Bags, scoops or other appropriate implements for the removal of pet waste must be carried by any person bringing a pet into a conservancy.**

**(f) Bill Posting. No person shall post, paste, fasten, paint, or attach any placard, bill, notice, sign, or advertising matter upon any structure, tree, or other natural object at any conservancy, except conservancy regulations and other signs authorized by the Conservancy Lands Committee or the Common Council.**

**(g) Vehicles and Parking. No motorcycle, go cart, snowmobile, or other motor driven vehicle shall be driven or parked in any conservancy except in designated parking areas. Except as provided in paragraph (p), this prohibition shall not apply to any electric personal assistive mobility device as defined under Wis. Stats. § 340.01(15pm) or to any mechanically propelled wheelchair designed for and used by a person who is physically disabled. Subject to paragraph (q), this prohibition shall also not apply to a motor bicycle as defined under Wis. Stats. §340.01(30) as long as the motor is not in use.**

**(h) Throwing Stones and Missiles. No person shall throw stones or other missiles in or into any conservancy.**

**(i) Firearms, Fireworks, Bows, and Arrows. No person shall carry, shoot, fire, or discharge any gun, pistol, rocket, torpedo, bow and arrow, or any fireworks of any description within or into any conservancy unless pursuant to a valid license issued under**

**Wis. Stats. § 175.60 or specific written authority is first obtained from the Public Lands Manager and the Chief of Police pursuant to section 16.03(2)(e) of this Code. The work “gun” shall include gas-operated guns, pellet guns or any device which will propel projectiles.**

**(j) Moving of City Property. No person shall remove benches, seats, tables, or other equipment or city property from or within any conservancy.**

**(k) Beer and Liquor. No person shall have in his or her possession, nor shall any person drink beer, wine, or intoxicating liquor at any conservancy.**

**(l) Camping. No camping shall be permitted in any conservancy, except where prior approval of the Public Lands Manager is first obtained.**

**(m) Trapping. No person shall trap in any conservancy, unless specific written authority is first obtained from the Public Lands Manager and Chief of Police.**

**(n) Making of Fires. No person shall start, tend, or maintain a fire in any conservancy except by written authorization of the Public Lands Manager.**

**(o) Horses and Carriages. No person shall ride a horse or drive a horse-driven vehicle in any conservancy, except as permitted by the Public Lands Manager.**

**(p) Bicycles, Electric Personal Assistive Mobility Devices, and Motor Bicycles. All ordinances of the City of Middleton relating to the use of bicycles, electric personal assistive mobility devices as defined by Wis. Stats. § 340.01(15pm) and motor bicycles as defined by Wis. Stats. § 340.01(30), shall be applicable in all conservancies. Bicycles, electric personal assistive mobility devices and motor bicycles shall be parked only in areas so designated. Bicycles, electric personal assistive mobility devices and motor bicycles may not be operated in any conservancy except upon pathways designated for such use. Where motor bicycles are permitted, the motor shall not be used.**

**(q) Protection of Conservancy Property. No person shall kill, injure, or disturb or attempt to injure or disturb waterfowl, birds, or animals, wild or domestic, within any conservancy. No person shall climb any tree or remove any plants, flowers or fruit, wild or cultivated, or break, cut down, 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 conservancy. This section does not apply to management or restoration activities authorized by the Public Lands Manager or Conservancy Lands Committee.**

**(r) Possession of Glass Beverage Bottles Prohibited. No one shall possess or consume any beverage in a glass bottle or glass container in any conservancy.**

**(s) Cleaning of Fish Prohibited. No one shall engage in the cleaning of fish in any conservancy.**

**(t) Trails. All persons shall stay on designated and maintained trails in any conservancy at all times unless permission to be elsewhere in the conservancy has been granted by the Public Lands Manager.**

**21.10 PENALTY.**

**Whoever violates any provision of this Chapter shall be subject to a penalty as prescribed by s. 30.04 of this Code.**