

CHAPTER 20

PARKS AND PARKWAYS

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20.01 **PARK MANAGEMENT.** The Parks and Recreation Director shall be responsible for the day to day operation of City parks and recreation programs in accordance with policies established by the Parks and Recreation Commission and the Council. The Director shall further serve as City Forester.

20.02 **PARK, DEFINITION.** As used in this chapter, the term "park" is defined to mean all lands and water heretofore and hereafter acquired by the City for park or recreational purposes, or placed under the jurisdiction of the Parks and Recreation Commission, and includes, without limitation, parks, parkways, street terraces, greenways, recreational facilities and structures, and privately owned lands, the use of which has been granted or leased to the City for park, recreational or like public purposes.

20.03 **UNLAWFUL CONDUCT PROHIBITED.** It shall be unlawful for any person to commit any of the following acts in or upon any public park within the City.

(1) **VANDALISM.** To soil, deface, injure, remove, damage, upset or destroy any building, fence, fountain, bench, table, receptacle, fireplace, tree, bush, flower or other object situated, used or kept upon park grounds.

(2) **FIRES.** No person shall build or attempt to build a fire except in the fireplaces or charcoal burners provided in the parks or in charcoal burners brought to the park areas for such purpose. All coals from such charcoal burners brought to the park shall be deposited in fireplaces provided.

(3) **DEFACING PARK PROPERTY.** To intentionally break, destroy or deface any park properties, features, facilities or structures, including natural objects, upon or within the parks.

(4) **LITTER.** To leave, throw or break any bottle, box, refuse or other object, except in clearly marked refuse receptacles provided for that purpose; or throw, discharge or otherwise place or cause to

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be placed in the water or any fountain, pond, lake, stream, river or other body of water or on the ice thereof in or adjacent to any park, any substance, matter or thing, liquid or solid, which will or may result in the pollution of said waters. Where receptacles for rubbish are not provided, all waste shall be carried away from the park by the person responsible for it.

- (5) BATHING AND SWIMMING. No person shall swim, bathe or wade in the ice rink pool.
- (6) MOVING PARK EQUIPMENT. To remove benches, seats, tables or other park equipment from any park or park facility unless prior approval of the Parks and Recreation Director is obtained.
- (7) FIREWORKS. To set off fireworks of any kind, except when a public display permit has been issued by the Mayor pursuant to Sec. 9.05 of this Code. No sparklers shall be permitted.
- (8) GAMES, ATHLETICS AND SPORTS. To engage in any athletic contest, game or activity, except in areas specifically designated for such activity, whereby large areas of public grounds are usurped by the participants to the exclusion and at the peril of injury to others. Specifically, no one shall participate in playing ball, golf, tennis or archery in any City park, except upon ball fields, golf links, tennis courts or archery ranges, respectively, established by the Commission.
- (9) SALES. To vend, sell or offer for sale any food, beverage or other commodity or article to the public within any park without written authorization from the Commission.
- (10) LOUD AND UNNECESSARY NOISE. To make any loud, disturbing or unnecessary sounds or noises such as may tend to annoy or disturb another in or about any public street adjacent to any City park or within any City park, or to operate a loudspeaker from any vehicle within any City park except upon written permit issued by the Commission upon such terms and conditions as will ensure that the public peace will not be disturbed.
- (11) RULES. To fail, refuse or neglect to obey the regularly posted rules and regulations of the Parks and Recreation Commission for the use or enjoyment of any facility.
- (12) DOGS REGULATED. To take, have, keep or permit any dog in any park, except on a leash. No dogs shall be permitted in picnic areas. See also Sec. 12.13(7)(f) of this Code.
- (13) MOLESTING ANIMALS. To molest, disturb, chase or throw objects at any animal or bird within any park.
- (14) SIGNS. To paste, glue, tack or otherwise post any sign, placard or advertisement, or solicit business of any nature in any park without authorization from the Parks and Recreation Director.
- (15) CAMPING REGULATED. No person shall set up tents, shacks or any other temporary shelter for the purpose of overnight camping, nor shall any person leave in the park after closing hours any movable structure or special vehicle to be used or that could be used for such purpose, such as house trailers, camp trailers, camp wagons or similar structures. Self-contained camping units may park in the W.A. Olen parking lot for one night only upon registering with the Police Department.
- (16) DISORDERLY CONDUCT. To engage in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct under circumstances in which such conduct tends to cause or provoke a disturbance, endangers other persons or property, or interferes with the use of the

park by others.

(17) Trespass. No person who has been convicted of a criminal or ordinance violation involving vandalism to city park property shall be within a city park for a period of one (1) year after the date of said conviction. A minor who has been convicted of said violation, shall only be in the park when said minor is supervised by a parent, legal guardian or coach of a city, school or church organized sporting event.

20.04 HOURS. All City parks shall be open from 6:00 o'clock A.M. to 11:00 o'clock P.M. except as follows:

(A) The five (5) neighborhood parks, namely: Rohrer, Olen, Fairway Lakes, Shore Drive and Pickerel Point, and the Skate Park, which shall be open from 7:00 o'clock A.M. to 10:00 P.M.

(B) Notwithstanding what may otherwise be provided herein no person shall occupy the pavilion and/or shelters in any park after 9:00 o'clock P.M. unless said person is affiliated with a group that has rented said pavilion/shelter.

(C) The opening and closing hours for each individual park shall be posted therein for public information.

20.05 MOTOR VEHICLES.

(1) No person, except park personnel, shall drive or park a motor vehicle in any park, except on such roads or parking lots specifically designated for the use of motor vehicles.

(2) No person shall operate a motor vehicle at a speed in excess of 15 miles per hour or in excess of any other posted speed limit, whichever is less.

(3) No person shall operate a motor vehicle in a reckless or imprudent manner or in any manner which may tend to create a disturbance or endanger the safety of persons using the parks.

20.06 SNOWMOBILES PROHIBITED. It shall be unlawful for any person to operate a snowmobile in any park.

20.07 OFF-THE-ROAD VEHICLES PROHIBITED. It shall be unlawful for any person to operate any minibike, go-cart, unlicensed motorcycle or other off-the-road vehicle in any park.

20.08 PARK RULES ADOPTED BY REFERENCE. Park rules adopted by the Parks and Recreation Commission and on file in the office of the Parks and Recreation Director relating to use of park facilities, user fees and concessions are hereby adopted by reference. Any major amendment or addition to said rules shall be submitted to the Council for approval.

20.09 TREES AND SHRUBS.

(1) INTENT. It is the intent of this section to exercise jurisdiction in regard to the plating, maintenance and removal of trees and shrubs growing in public places in the City and to define public nuisances and provide for their abatement.

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(2) DEFINITIONS. In this section, unless the context clearly requires otherwise, the following words and terms shall have the meaning given herein:

(a) City Forester. The designated City official assigned to carry out the enforcement of this section.

(b) Clear Vision Triangle. See Ch. 17 of this Code.

(c) Public Area. That part of every street, highway, roadway or alley between the lot line and the curb, and any other land owned or controlled by the City.

(d) Public Nuisance. Any tree or shrub which is specifically designated a public nuisance in this section or part of which is on public property which, by reason of its condition, interferes with the use of any public place; is detrimental to the construction of public improvements; or endangers the life, health, safety or welfare of the public or its property.

(e) Street Tree. Any tree located in a terrace.

(f) Terrace. The part of every street between the lot line and the curb line.

(3) CITY FORESTER, POWERS AND DUTIES. It shall be the duty of the City Forester, under the supervision of the Parks and Recreation Commission, to enforce the provisions of this section. The powers and duties of the Forester are as follows:

(a) The Forester shall have the jurisdiction, authority, control and supervision over all trees and shrubs growing in public areas to include, but not be limited to, planting, removal, maintenance and protection.

(b) The Forester shall have the authority to grant a permit under the provisions of this section and rules and work standards adopted hereunder. He shall supervise all work done under any permit issued under the provisions of this section and may void any permit if the provisions of this section are not complied with.

(c) The Forester shall have the authority to cause a public nuisance to be abated in accordance with the provisions of this section.

(d) The Forester shall perform such other duties as are provided by the laws, rules or regulations of the State, particularly ' 27.09, Wis. Stats.

(4) TREE PLANTING REQUIREMENTS.

(a) Permit Required. No person shall plant any tree or shrub in a public area without the written permission of the Forester.

(b) Master Street Tree List. The Parks and Recreation Commission shall prepare a master street tree list consisting of those trees approved for planting in and on City streets along with a determination of site factors to be considered in selecting trees and placement of such trees for planting on a particular street.

(c) Improper Planting a Public Nuisance. Any tree planted in violation of this section shall be deemed a public nuisance.

(5) TREE MAINTENANCE.

(a) No person shall remove, maintain or protect any public tree or shrub or cause such work to be done without obtaining a written permit therefore from the City Forester. No permit is required to cultivate, water or fertilize any public tree or shrub or take the necessary action to guard the public safety or clear the public way in the event of a storm, accident or other emergency.

(b) Any person desiring to remove, maintain or protect any public tree or shrub shall apply, in writing, to the City Forester for a permit to do such work. The application shall specify the location and description of the proposed work. If the Forester determines that the proposed work is necessary and in compliance with the purposes of this section, he shall issue the permit.

(c) Permits shall be issued by the City Forester on a standard form and shall include a description of the work to be done. Any work done under such permit shall be performed in strict compliance with the terms thereof. The Forester shall inspect all work performed. Permits shall expire 3 months after issuance.

(d) Whenever a public utility, its contractors or any contractor for the City must perform work on or about any public tree or shrub necessitating the alteration above or below ground, trimming or removal of such tree or shrub, a written permit from the City Forester is required, as provided above. Any person performing work on a tree in a public place, by permit, contract or otherwise, shall assume full responsibility for damage to property and to any person, and shall save the City harmless from any liability therefore.

(e) All trees and shrubs located upon any public way or upon any private premises adjacent to the public way shall be kept trimmed by the property owner so that the lowest projecting branches provide a clearance height of not less than 14 feet above the public street and not less than 9 feet above the public sidewalk. The City Forester may waive the provisions of this section for newly planted or naturally low-profile trees if he determines that such trees do not interfere with public travel, obstruct the light of any street light, obstruct the view of any traffic sign or signal, or endanger public safety. Each year a Class 1 notice shall be published in the official City newspaper informing the City property owners of the requirements of this paragraph. Property owners who do not comply shall be given 10 days' written notice to trim their trees or the City may perform the work and bill the property owner, pursuant to '66.60(16), Wis. Stats.

(6) PROTECTION OF TREES. Except as authorized by written permission from the Forester, it shall be a violation of this section to perform or cause to be performed the following acts in any public place within the City.

(a) To attach any sign, poster, handbill, electrical installation wire or other device or material to, around or through a tree.

(b) To permit or cause fire to burn where it may kill or injure any tree.

(c) To allow any toxic chemical, smoke, oil, gas or other substance that may kill or damage any tree to come in contact with its leaves or roots.

(d) To use tree spurs or climbers when working on healthy trees.

(e) To remove any guard, stake, pole or other device intended for the protection or

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stabilization of a public tree, or close or obstruct any open space around the base of a public tree designed to permit access to air, water and fertilizer.

(f) To erect, alter, repair, raze or move any building, structure or other large object without placing suitable guards around public trees which may be injured by such operations. It shall be the responsibility of the owner thereof to repair or replace any tree injured or killed by such operations. If it is found that the moving of any tree is necessary to allow for such operations, the cost of the moving shall be borne by the owner of the project.

(g) To excavate any ditch, tunnel, hole, trench or place any drive within the radius of 5 feet from any tree in a public area except by written permit from the city Forester or when an emergency situation exists. The Forester may require the posting of an adequate surety bond or other sufficient security by any person proposing to make any such excavation to cover the cost of replacement of any tree destroyed as the direct result of the excavation, as reasonably determined by the Forester.

(h) To damage, injure, remove or appropriate for one's own personal or private use any tree or shrub procured in whole or in part with public funds, or planted or growing in a public area.

(7) **OBSTRUCTION OF VIEW AT INTERSECTIONS.** No person shall plant, grown or maintain any tree, shrub or other vegetation on any City street corner lot within the clear vision triangle which may obstruct the vision of the operator or any motor vehicle or pedestrian approaching such intersection. Any tree, shrub or other vegetation obstructing such view between the heights of 2 1/2 feet and 10 feet above street grade shall be deemed a public nuisance.

(8) **PUBLIC NUISANCES.** No person shall permit any public nuisance enumerated in this section to remain on any property owned or controlled by him, including public areas.

(a) Notice of Public Nuisance. Whenever the City Forester shall find and declare any tree or shrub a public nuisance, he shall notify the property owner or his agent in writing that the nuisance must be abated and the procedure required for the abatement.

(b) Abatement Procedure and Cost. See Sec. 10.07 of this Code.

(9) **APPEALS.** Any person aggrieved by any order or action of the City Forester may file a written complaint with the Parks and Recreation Commission within 10 days. Within 5 days, the Commission shall hold a hearing thereon and shall issue a written decision, if requested, within 3 days after the hearing.

20.15 **PENALTY.** Any person who shall violate any provision of this chapter may be subject to a penalty as provided in Sec. 25.04 of this Code.