

Park Ordinance for Town of Sumner

NUMBER - P-2012-0312

STATE OF WISCONSIN
Town of Sumner
Jefferson County

The Town Board of the Town of Sumner, Jefferson County, Wisconsin do ordain as follows:

SECTION 1.01 TITLE This ordinance shall be known as, referred to, cited as and entitled Parks Ordinance for the Town of Sumner.

SECTION 1.02 PURPOSE The Town of Sumner owns and maintains land in the town designated as town parks and recreation trails for the use and enjoyment of residents and visitors. This ordinance provides rules and regulations to protect such parks and recreation trails and to enable people to use such parks and recreation trails for recreational purposes without unwarranted interference or obstruction occasioned by inconsistent uses. The purpose of this ordinance is to ensure the personal safety, health and welfare of the public.

SECTION 1.03 DEFINITIONS AND TERMS

- 1) "Park", unless otherwise stated, means the ground, plants, trees, shrubs, and other vegetation; the play and recreational equipment/structures; the buildings; the waters which are in, upon or flow through the parks; any river and lake access sites; and other recreational areas, all of which are now or may hereafter be under the ownership, possession or control of the Town of Sumner, including all recreational trails/roadways/paths, which shall be considered linear parks.
- 2) "Person" means any individual, firm, partnership, corporation, association of persons, or group of people, as well as the guest of any individual, firm, partnership, corporation, association, or group. The singular number shall include the plural.
- 3) "Parks Committee" means the Town of Sumner Park Committee, which shall consist of a Chairperson, Secretary, and that number of committee members appointed to 3 years terms by the Town Board.
- 4) "Chairperson" means the Chair of the Town of Sumner Park Committee.
- 5) "Motor Vehicle" means any automobile, motorcycle, ATV, van, pick-up truck, truck, bus, mini-bike, go-cart, golf cart or other motorized, electrical, or other self-propelled vehicle.

SECTION 1.04 TOWN OF SUMNER PARKS COMMITTEE. The Town of Sumner Parks Committee shall be created by the Town Board of the Town of Sumner.

1) Duties of the Parks committee.

- a. The general duties of the Park Committee of the parks shall be to have oversight of the general care and maintenance of all public parks, playgrounds, and public buildings located in the public parks owned by the Town of Sumner.
- b. The Park Committee may adopt with Town Board approval an application form and rental rules and regulations for group use of the parks and extended use of hours. These forms shall be titled "Special Event Permit/Extended Use Application/Rules and Regulations." This application form shall be Addendum #2 to the Park Ordinance.
- c. The Park Committee may establish a fee and deposit schedule for group events and extended use of the park as an Addendum #2A to the Park Ordinance.

2) Duties of the Chairperson.

- a. Preside over all Park Committee meetings unless delegated to a committee member.
- b. Present monthly report to the Town Board unless delegated to a committee member.
- c. The Park Committee Chairperson shall receive and review all applications for permits as required by the Town of Sumner Park Ordinance. All permits shall be brought before the Town Board for approval unless such authority has been delegated to the Town Chairperson. All "special event permits" and other duly authorized permits

- must, prior to the event, be reported to the Town of Sumner Clerk's office and all Town Board members by the Park Chairperson.
- d. The Park Committee Chairperson shall submit a proposed budget for the ensuing year to the Town Board on or before October 1.
- e. Perform any duties assigned to him/her by the Town Board.

SECTION 1.05. OFFENSES WITHIN PUBLIC PARKLANDS

1) Park Property and Park Areas

While in, near, or adjacent to a Park, lake access site, or other recreational area, no person shall:

- a. **Disfiguration, destruction and removal of property.** Willfully or intentionally cut down, mark, deface, disfigure, tamper with, remove, break, injure or destroy any building, bridges, benches, fireplaces, railings, playground equipment, paving or paving material, waterlines or other public utilities or parts or appurtenances thereof, tree, shrub, flower, turf, building, signs, notices, placards (weather temporary or permanent), monuments, stakes, posts, or other boundary markers, tables, facilities, fences, or other Park property or appurtenances whatsoever, either real or personal within any park or on a recreational trail.
- b. **Historical artifacts.** Willfully or intentionally take or remove any historical artifact from any Park.
- c. **Restroom facilities.** Misuse or abuse the restrooms and washrooms, or not cooperate in maintaining restrooms and washrooms in a neat and sanitary condition. No person over five (5) years shall use the restrooms and washrooms designated for the opposite sex.
- d. **Sanitation.** Throw, discharge, or otherwise place or cause to be placed in the waters of any fountain, pond, lake stream or other body of water in or adjacent to any Park or any tributary or stream, any substance, matter, or thing, liquid or solid, which will or may result in the pollution of said waters. Bring in, dump, deposit, or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, refuse, or other trash. No such refuse or trash shall be placed in any waters in or contiguous to any Park or left anywhere on the grounds thereof, but shall be carried away from the Park by the person responsible for its presence and properly disposed of elsewhere.
- e. **Vehicles.** Operate or drive a powered vehicle or Motor Vehicle on Park Property except on those trails or parking areas designated for such vehicles. Contracted maintenance vehicles are allowed.
- f. **Parking.**
 - i. Park any bus, large truck, boat trailer or other vehicle in a manner substantially obstructing the use and enjoyment of any Park or recreation trail or leave unoccupied motor vehicle in a Park parking area when said park is closed to the public.
 - ii. Park any vehicle or permit any vehicle to remain standing on any highway or roadway within the boundaries of the Parks in excess of the length of time and between the hours specified by the Parks Committee from time to time and as posted at the various Parks.
- h. **Snowmobiles.** Operate a snowmobile in any Park or on a recreation trail other than on a trail posted for snowmobiling that has been approved by the Town Board.
- i. **Watercraft.** Moor any watercraft off the shores of a Park.
- j. **Special Events.** Use the Parks or any facilities therein during a special event for a purpose other than those authorized in the special event permit. Use the Park or any facility therein for any unlawful or other inappropriate purpose.
- k. **Beach areas.** Enter the water of any Park beach areas except at their own risk
- l. **Picnic or lunch in a place where it interferes with park activities.**
- m. **Leave a park or picnic area before a fire in the said area is completely extinguished.**

SECTION 1.06 SPEED OF VEHICLES. It shall be unlawful for any person to operate a motorized vehicle in any area in any park in excess of ten (10) miles per hour.

SECTION 1.07 ANIMALS AND PETS.

- 1) No animals or pets, other than leashed dogs, shall be allowed in the Town Parks. Leashed dogs may remain in a park or on recreation trail on a leash not longer than 6 feet. Leashed dogs are allowed in the town parks provided that the dog owner shall promptly pick up and carry away any excrement the dog deposits on or adjacent to the town park. Dogs running at large or untagged or out of control of the owner shall be impounded subject to the Town of Sumner “Ordinance to Regulate Pets in the Town of Sumner.”
- 2) No person having the control or care of a horse shall permit such horse to enter or remain in the park or on a recreation trail.

SECTION 1.08 MAKING FIRES No person shall make or kindle a fire for any purpose except in portable grills or permanent grills provided therefore.

SECTION 1.09 FIRE ARMS AND FIREWORKS HUNTING AND TRAPPING

- 1) Except for law enforcement personnel and The Carcajou Shooting Club of Lake Koshkonong as agreed upon in the “CARCAJOU – TOWN OF SUMNER AGREEMENT” dated January 30, 2012 no Person shall fire or discharge any gun, pistol, or firearm, nor possess any rocket, torpedo, or other fireworks of any description, within any Park, nor shall any Person hunt with a bow and arrow within any Park.
- 2) The agreement “CARCAJOU – TOWN OF SUMNER “ shall remain in effect until mutually terminated by the Parties in writing and shall be documented as ADENDUM I to the Park Ordinance.
- 3) Unless authorized in writing by the Parks Chairperson to remove nuisance animals, no person may hunt or trap on land in a Town Park.

SECTION 1.10 CAMPING. NO Person shall camp overnight, in a tent, trailer home, or otherwise, in a Park.

SECTION 1.11 ALCOHOL, DRUGS, AND INTOXICANTS.

Groups, associations or organizations must comply with State Statue 125.09 (1) and (2) to sell or distribute for sale either directly or indirectly alcohol beverages in the Parks. As permitted under State Statue persons, groups, associations or organizations may use or possess alcohol in the public parks. No person, group, association or organization may distribute, sell, purvey, give away, use or possess illegal drugs in the Parks.

SECTION 1.12 MERCHANDISING, ADVERTISING, AND SIGN. No person in a park shall:

- 1) **Vending and peddling.** Expose or offer for sale any article or thing, nor shall he station or place any stand, cart, or vehicle for the transportation, sale, or display of any such article or thing.
- 2) **Advertising.** Announce, advertise, or call the public, attention in any way to any article or service for sale or hire.
- 3) **Signs.** Paste, glue, tack, or otherwise post any sign, placard, advertisement, or inscription whatever, nor shall any person erect or cause to be erected any sign whatever on any public lands, highways, or roads adjacent to a park.

SECTION 1.13. GROUP EVENTS.

- 1) Whenever any group, association, or organization of twenty-five (25) or more people to use said park facilities for a particular purpose, (such as picnics, parties, reunions, camping, sporting events, or theatrical or entertainment performances) a representative of said group, association or organization shall first apply for and obtain a “special event permit” form from the Park Chairperson. The Park Chairperson shall review the application and submit the application to the Town Board if it appears that the group, association or organization will not interfere with the general use of the park by the individual members of the public and if the said group, association or organization meets all other conditions contained in the application. The application may require a fee and refundable deposit for costs which may result due to such use. Person representative of the “special event permit” shall be responsible for adhering to the Rules and Regulations within the “Special event permit” and adhering to the Park Ordinance of the Town of Sumner. Group events shall only be held in the Busseyville Park. Group events shall be considered to a maximum of (one hundred) 100 guests.
- 2) The person named (applicant) as being in charge of the event for which a permit is issued shall be responsible for the group event participants adhering to the Town of Sumner Park Ordinance

SECTION 1.14 PARK HOURS and HOURS OF USE.

- 1) **Busseyville Park and East Lake Park**, park roads and designated Park parking areas in those parks shall be opened to the public from DUSK to DAWN. No Person shall remain in the park during closed hours, unless authorized by the issuance of a permit therefore by the Town under SECTION 1.04-2) d. Only authorized persons may enter or remain in the park when the park is closed.
- 2) **Carcajou Preservation Park**. Except during Waterfowl hunting seasons Carcajou Preservation Park shall be open to the public from DUSK to DAWN. No Person shall remain in the park during closed hours, unless authorized by the issuance of a permit therefore by the Town under SECTION 1.04 – 2) d.
 - i. As indicated in Addendum I (Carcajou – Town of Sumner Agreement), during Waterfowl hunting season Carcajou Preservation Park shall be declared closed. Signage shall be posted at the park signifying the park is closed. No person shall enter or remain in the Carcajou Preservation Park during the time the park is closed. Only authorized persons may enter or remain in the park when the park is closed.
 - ii. If the Carcajou Shooting Club of Lake Koshkonong submits in writing to not exercise its hunting and shooting rights over the parcel known as Carcajou Preservation Park during the Waterfowl hunting season for any specific hunting season the Carcajou Preservation Park shall remain open during that period of time.
- 3) Any park, in whole or in part, may be declared closed by the Chairperson of the Town or any member of the Park Committee, or the Incident Commander of the Emergency Management System, at any time, for emergency or other special contingencies. Such closings shall be temporary and shall continue only as long as the emergency or special contingency require. Such special closings shall supersede any posted or established hours described in this Section.

SECTION 1.15 VIOLATIONS. It shall be unlawful for any Person to violate any provision of this Ordinance

SECTION 1.16 PENALTY.

- 1) **Enforcement.** The Chairperson of the Town, Jefferson County Sheriff’s Department, or the Town constable shall enforce the provisions of this Ordinance. The Town Chairperson, the Jefferson County Sheriff’s office or the Town Constable is authorized to institute whatever legal proceedings or issue whatever citation they may deem necessary to effect compliance with or penalize persons for violating the provisions of this Ordinance.
- 2) **Penalty.** Any person violating any provision of the Ordinance shall, upon conviction, forfeit no less than fifty dollars (\$50.00) and no more than five hundred (\$500.00) per section violated together with the cost of prosecution. If a violation of this ordinance is continuing, each day of such violation shall constitute a separate offense. Default of payment of such forfeiture, penalty assessment and costs, shall be imprisoned in the County Jail until such forfeiture and costs are paid with such imprisonment not to exceed 90 days.

SECTION 1.17 SEVERABILITY. The provisions of this ordinance are severable and provisions or sections which may hereinafter be declared to be illegal or unconstitutional shall be declared repealed and the remainder shall not be affected thereby.

EFFECTIVE DATE. This ordinance shall take effect and be in force from and after its passage and posting in accordance with Wisconsin Statute 61.50 (1) and after proof of posting has been filed in the Town Clerk’s office.

The above foregoing Ordinance was duly adopted by the Town Board of the Town of Sumner, Jefferson County, Wisconsin, at a meeting held at the Sumner Town Hall, on the ___ day of _____, 2011.

_____ John Dohner, Jr., Chairman

_____ Randall Burdick, Supervisor I

_____ Frank Micale, Supervisor II