

# Title 12 ► Chapter 1

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## Parks and Recreation

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### **Sec. 12-1-1 Park Regulations.**

- (a) **Purpose and Definition.** In order to protect the parks, parkways, recreational facilities and conservancy areas within the Village of Elk Mound 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, play ground, recreational area, river/lake access sites, swimming pool or conservancy area in the Village or under the administration of the Village Board.
- (b) **Specific Regulations.**
- (1) **Littering Prohibited.**
    - a. No person shall litter, dump or deposit any rubbish, refuse, earth or other material in any park. 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 placed in the proper receptacles where these are provided. Where receptacles are not so provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence, and properly disposed of elsewhere.
    - b. No person shall throw, discharge, or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream, bay or other body of water in or adjacent to any park or any tributary, stream, storm sewer, or drain flowing into such waters, any substance, matter or thing, liquid or solid, which will or may result in the pollution of said waters.
  - (2) **Sound Devices.** No person shall operate or play any amplifying system unless specific authority is first obtained from the Village Board.

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- (3) **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 Village Board.
- (4) **Throwing Stones and Missiles Prohibited.** No person shall throw stones or other missiles which may cause harm in or into any park.
- (5) **Removal of Park Equipment Prohibited.** No person shall remove benches, seats, tables or other park equipment from any park, unless specifically authorized by the Village Clerk-Treasurer.
- (6) **Trapping.** "Trapping" when used in this Section includes the taking, or the attempting to take, of any wild animal by means of setting or operating any device, mechanism or contraption that is designated, built or made to close upon, hold fast or otherwise capture a wild animal or animals; live traps on a person's property are excluded. The trapping of wild animals is hereby prohibited in Village parks, except municipal trapping authorized by the Village Board.
- (7) **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. Control of the fire and the smoke will be the responsibility of the person using such a fire.
- (8) **Protection of Park Property.**
  - a. 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, fireplace, monument, railing, waterline improvement, ornament, building, structure, apparatus, bench, table, official notice, sign or other property within any park.
  - b. No person shall deface, by throwing stones, pebbles or other debris at any of the toilets, bubblers or other sanitary facilities located in any Village park; or to deface by drawing with crayon, chalk, paint, or anything else on any of the buildings or equipment at any Village park; or to deface the equipment by means of a sharp instrument.
- (9) **Motorized Vehicles.** Except for authorized maintenance 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. Motor vehicles are restricted to the roads and drives and parking areas. No motor vehicles of any nature may be used on the seeded areas except vehicles which have Village Board authorization for shows, rides or exhibits

- and then only for the purpose of loading and unloading. No vehicle maintenance or car washing is permitted in any Village park.
- (10) **Snowmobiles.** No person shall operate a snowmobile in a Village park except in designated areas. Snowmobiles shall only be operated on designated trails.
  - (11) **Speed Limit.** No person shall operate any vehicle in a Village park in excess of fifteen (15) miles per hour unless otherwise posted.
  - (12) **Glass Beverage Bottles in Parks Prohibited.** No individual shall possess or consume any beverage in a glass bottle or glass container in any Village park.
  - (13) **Reckless Driving in Parks Prohibited.** No person shall operate a motor vehicle in a reckless manner in any of the public parks of the Village.
  - (14) **Parking in Parks.** No person shall park any motor vehicle in any park in the Village except in a designated parking area. The overnight parking of vehicles is prohibited.
  - (15) **Horse and Carriages.** No person shall ride a horse or drive a horse-driven vehicle in any park, or lead a horse into a park, except on roads or designated bridle paths, except when approval of the Village 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. Horseback riding shall be allowed only during the daylight hours. No person shall ride a horse which cannot be held under such control that it may be easily turned or stopped. Horses shall not be left unbridled or unattended.
  - (16) **Removing Tree Protectors.** No person shall remove any device for the protection of trees or shrubs.
  - (17) **Golfing and Sporting Activities.** No golfing or practicing golf in Village parks or recreation areas shall be allowed except with the use of a whiffle ball. All sporting activities must be held in areas so designated for that purpose.
  - (18) **Arrows.** No person shall use or shoot any bow and arrow in any Village park, except in authorized areas.
  - (19) **Fees and Charges.** The Village Board shall establish such fees as deemed necessary for use of any park facility, shelter or land area. It shall be unlawful to use such areas without payment of such fee or charge when required.
  - (20) **Firearms; Hunting.** Possessing or discharging of any air gun, sling shot, explosive, firearm or weapon of any kind is prohibited in all Village parks.
  - (21) **Fish Cleaning.** Cleaning of fish in shelters, toilet facilities or picnic areas is prohibited in all Village parks.
  - (22) **Controlled Substances.** Possessing, using or dispensing of a controlled substance in violation of the Uniform Controlled Substances Act is prohibited in all Village parks.
  - (23) **Vendors Restricted.** No person shall sell, vend or give away any article of merchandise whatever, without a written permit from the Village Board. No person shall expose or offer for sale any article or thing nor station or place any stand, cart,

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- or vehicle for the transportation, sale or display of any such article or thing, excepting regularly authorized concessionaires acting by and under the authority and regulation of the Village Board unless special permission is granted by the Village Board during a special event.
- (24) **Alcohol Beverages.** The consumption or possession of alcohol beverages in Village parks shall be as regulated by Section 11-4-1.
  - (25) **Pets.** Dogs and any other pets are not permitted in any Village parks.
  - (26) **Skates.** No skateboards, inline skates or roller skis will be permitted a Village park at any time, except in designated areas.
  - (27) **Restrooms and Washrooms.** No person shall fail to cooperate in maintaining restrooms and washrooms in a neat and sanitary condition. No person over the age of five (5) years shall use the restrooms and washrooms designated for the opposite sex.
  - (28) **Misuse of Equipment.** Jumping, standing or misuse will not be permitted on any bench, bleachers or picnic tables; any misuse or use with intent to do damage will be considered vandalism and may result in dismissal from the park.
  - (29) **Loitering on Equipment Preventing Use.** No loitering is permitted on playground equipment so as to disrupt use by persons waiting to use such equipment.
  - (30) **Responsibility for Equipment Damage.** Any person or persons causing any damage to property in the Village park shall be punished and/or fined under the appropriate ordinance and be required to make full and complete restitution.
  - (31) **Camping.** Overnight camping is not permitted in any Village park, except where Village Board approval is obtained for special events.
  - (32) **Satellite Toilets; dumpsters.** It will be the obligation of civic organizations or other major park users to provide satellite toilets and extra garbage dumpsters during the time of celebrations or special events.
  - (33) **Waste Disposal Restrictions.** No person shall dispose of any garbage, bottles, tin cans or any other solid waste material, including demolition material, in any Village park where the waste is generated from outside of the Village park property.
  - (34) **Bicycle Restrictions.** No person shall ride a bicycle or skateboard or rollerblade in a reckless manner or ride in and around any bleacher area or shelter house areas. All bicycles will be placed in bicycle racks when unattended. No bicycles are permitted in any park building whether ridden or parked there for any reason.
  - (35) **Picnic Areas.** No person in a park shall leave a picnic area before a fire in the said picnic area is completely extinguished and before all trash, garbage and other refuse in the said picnic area is placed in the disposal receptacles provided for that purpose.
  - (36) **Bathing and Swimming.** No person in the park shall swim, bathe, or wade in any waters or waterways in or adjacent to any park, except in such waters and at such

places as are provided therefor, and in compliance with such regulations as are herein set forth or may be hereafter adopted.

(37) **Smoking Prohibited.**

- a. The use of all tobacco products on premises owned or rented by, or under the control of, the Elk Mound School District is prohibited.
- b. A person who commits a violation of Subsection (b)(37) of this Section is subject to a forfeiture of not more than Five Hundred Dollars (\$500.00).

*Cross-Reference:* Section 11-4-1.

### **Sec. 12-1-2 Operation of Remote or Radio-Controlled Airborne Toys or Devices Prohibited.**

It shall be unlawful for any person to fly, operate or make use of any airborne remote or radio-controlled model airplane, helicopter, vehicle or any other such device in, over or upon any street, park or other public or private property except in areas specifically designated and posted for such purpose and with the consent of the property owner or lessee of the property.

### **Sec. 12-1-3 Turf Protection on Public Property.**

Except as authorized by the Village Board or its designee, no person shall dig into the turf of any Village-owned park or recreational property for any purposes whatsoever or remove any trees or flowers. Absent authorization by the Village Board or its designee, the use of metal detectors and digging for buried objects on Village parks or recreational property.

### **Sec. 12-1-4 Park Hours.**

(a) **Hours Established.**

(1) **Elk Mound Hill Park.**

- a. Elk Mound Hill Park shall be closed to the public from November 1 of each year through the following April 30.
- b. From May 1 of each year until October 31, Elk Mound Hill Park shall be closed to the public during the hours of 10:00 p.m. to 8:00 a.m.

(2) **Elk Mound Village Park.** Elk Mound Village Park shall be closed to the public during the hours of 11:00 p.m. to 6:00 a.m.

(3) **Violation.** No person or persons shall enter or attempt to enter Elk Mound Hill Park or Elk Mound Village Park during the time such park is closed to the public except

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under the immediate supervision of the Chief of Police or a member of the Village Board.

(b) **Exceptions.**

- (1) **Authorized Persons.** The regular closing hours of Village parks do not apply to persons having permission from the Village Board to be present in the Village parks during closed hours on specific days and for specific purposes.
- (2) **Limited Athletic Event Exceptions.** The regular closing hours of the Village parks do not apply to persons in attendance at a regularly scheduled ball game at the ball diamond located in the Village, except that those persons shall vacate the park within thirty (30) minutes after the ending of a regularly scheduled game.

(c) **Park Closing and Opening Dates.** The Village 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 Village-owned park and park facilities and shelter areas are primarily for the nonexclusive use of the residents and visitors of the Village. 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 Village of Elk Mound to the end that the general welfare of the Village is protected.

(b) **Reservation of Park Space.**

- (1) A person or group, firm organization, partnership or corporation may reserve the use of a park facility or a park shelter/pavilion by written application filed with the Clerk-Treasurer for referral to the Village Board for a permit for exclusive use of a park. The Village Clerk-Treasurer shall issue permits for exclusive use of a portion of a park or park shelter, while the Village Board shall issue permits for the exclusive use of Village parks. All reservations shall be made on application forms in the office of the Village Clerk-Treasurer. Areas not reserved shall be open to use by all.
- (2) Whenever any group, association or organization desires to use an area of said park facilities for a particular purpose (such as picnics, parties or theatrical or entertainment performance) a representative of said group, association or organization shall first obtain a permit from the Village Clerk-Treasurer for such purposes. The Village Clerk-Treasurer may grant the application if it appears that the group, association or organization will not interfere with the general use of a 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 Clerk-Treasurer may require an indemnity bond to protect the Village from any liability of any kind or character and

- to protect Village property from damage, and shall contain such a provision if the swimming lake is to be utilized by said group.
- (c) **Application.** Applications shall be filed with the Village Board at least fourteen (14) days prior to the date on which the exclusive use of the entire park is requested, or with the Clerk-Treasurer at least three (3) days prior to the date on which a portion of a park is to be used, and shall set forth the following information regarding the proposed exclusive use:
- (1) The name, address and telephone number of the applicant.
  - (2) If the exclusive use is proposed for a group, firm, organization, partnership or corporation, the name, address and telephone number of the headquarters of the same and the responsible and authorized heads or partners of the same.
  - (3) The name, address and telephone number of the person who will be responsible for the use of the said park, area or facility.
  - (4) The date when the exclusive use is requested and the hours of the proposed exclusive date.
  - (5) The anticipated number of persons to use the said park, area or facility.
  - (6) Any additional information which the Village Board or Clerk-Treasurer finds reasonably necessary to a fair determination as to whether a permit should be issued.
- (d) **Reasons for Denial.** Applicants under this Section 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 Village.
  - (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.
  - (9) If the use would unusually interfere with the general public's use of the park.
- (e) **Shelter Reservations.**
- (1) **Procedure.**
    - a. Shelter reservations are accepted by the Village Clerk-Treasurer. Actual reservations must be made in person and only by persons eighteen (18) years of

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age and older. All reservations must be completed three (3) days previous to the date of use. Any cancellations must be made seven (7) days before date of use. The Village reserves the right to refuse a shelter reservation for any activity it feels is not in the best interest of the Village.

- b. No reservation shall be accepted prior to January 2nd of any year.
- (2) **Fees.** Rental fees for the shelters shall be as prescribed in Section 1-3-1, including a cleanup deposit.
- (3) **Condition of Facilities.** All groups using park facilities will be held responsible for excessive cleanup and/or damages to facilities (i.e., tables moved out of shelter houses *must* be moved back under shelters, no posts shall be removed without permission, cleanup required, doors locked after use, etc.).
- (4) **Exceptions.** Nothing herein shall prohibit the Village from requiring advance reservations for such special events and conventions as the Village deems necessary.
- (f) **Indemnification.** Prior to granting any permit for exclusive use of the park, the Village 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 Village 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 Village and such third parties as may be injured or damaged thereby, caused by the permittee, its agents or participants.
- (g) **Permit Not Required For Village Activity.** A permit is not required for exclusive use of the park or a park facility sponsored by the Village of Elk Mound.
- (h) **Permit Revocation.** The Village President, Village Clerk-Treasurer, Village Board, or a law enforcement officer 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 Village 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 11-4-1 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.
- (k) **Care of Facilities.** Persons reserving Village facilities shall be completely responsible for cleaning up the facilities after the event to the satisfaction of Village officials. All reserved areas shall be left in a clean condition, with refuse placed in containers provided for such purpose. Any organization or corporation reserving any area in a Village park shall agree



to assume full responsibility for all damage to Village property by any invitee of said organization or corporation and shall make full payment therefore upon billing by the Village Clerk-Treasurer. Failure to do so shall deny future use of park facilities until such payment be made, in addition to any other remedy which the Village may have.

*Cross-Reference:* Sections 7-2-11 and 11-4-1.

## **Sec. 12-1-6 Ultralight Aircraft Regulated.**

- (a) **Definition.** An ultralight aircraft, vehicle or hang glider is an unpowered or powered aircraft which is not subject to extensive regulation by the Federal Aviation Administration by virtue of its characteristics and which is defined as an ultralight vehicle by 14 C.F.R. Sec. 103.1 and which is defined as an ultralight aircraft by Sec. 114.195, Wis. Stats.
- (b) **Regulations Regarding Use.** No person shall operate any ultralight aircraft within the Village in such a manner or in such a location as to endanger or injure any person or property. No person shall operate an ultralight aircraft in the Village in violation of any applicable state and federal regulations and standards. No person shall cause an ultralight aircraft to land or to take off from any property without permission of the owner or occupant of said property, provided that an emergency landing may be made to prevent a catastrophe. In the case of landing or taking off from a Village public park or other public property, the operator of such ultralight aircraft shall first obtain a permit from the Village Board. No fee shall be charged by the Village Board for such permit which may be issued for a period up to thirty (30) days nor shall the Village Board sponsor such activity.

