



LEGAL SERVICES DEPARTMENT

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TO: Members of the Park and Recreation Committee

FROM: Stacy Doucette, Assistant City Attorney *SD*

DATE: March 3, 2014

RE: Weapons within the City Parks

Upon further review of the recently amended park rules, one portion of the rules needs some clarification. In Ordinance 13-4, weapons are prohibited from the parks and while the City is allowed to prohibit the possession or operation of weapons in the park, that prohibition is subject to certain exceptions. Some additional language will clarify that there are state and federal legal exceptions to this general prohibition. Examples of these exceptions include individuals who can legally exercise their Second Amendment right by openly carrying firearms and individuals who have state issued CCW permits. Firearms would still be prohibited from being carried into a properly posted building within city parks. Therefore, the recommendation clarifies that the possession or operation of weapons is prohibited unless otherwise allowed by law.

Please feel free to contact me at 832-1580 if you have any questions or comments prior to the next Park and Recreation meeting.

Sec 13-4. Prohibited items or uses.

In addition to otherwise illegal activities, the following shall be prohibited within the boundaries of any park:

(a) No fires of any kind shall be permitted on trails or on or adjacent to stormwater management facilities.

(b) Unless otherwise permitted by law, Possession or operation of any firearm, air gun, spring gun and the like or weapon of any kind except for archery as part of an authorized recreation program or at the archery range in Appleton Memorial Park;

(c) Operation of snowmobiles except by city maintenance or law enforcement staff.

(d) Washing of vehicles or pets.

(e) Digging or removal of any turf, trees, shrubs, flowers or wildlife.

(f) Defacing, destroying or vandalizing any structure, sign, natural growth or equipment.

(g) Operating or parking any motorized vehicle or devices in a park during closed hours.

(h) Littering in a park.

(i) Disposing of trash not relating to park use.

(j) Being abusive, boisterous or disorderly.

(k) Engage in an activity which a permit is required without obtaining a permit.

(l) Failure to obtain and visibly display in or on the accompanying vehicle from which the watercraft is launched, in such locations on or in the vehicle as are directed by the Park and Recreation Committee, a required permit for the launching of any watercraft from a park.

(m) Affixing or setting upon any sign, notice, solicitation, literature, exhibit, display, flyer or pamphlet of whatever nature on park property or to any tree, shrub, post, barrel, building or any other plant or structure located within any city park.

(1) This subsection shall not be construed to prohibit distribution of literature by means of direct personal contact between distributor and recipient to the extent otherwise permitted by law nor shall it prohibit the posting of signs and notice, in accordance with park rules, in connection with any permitted activity which is taking place in the city park in which the sign or notice is erected or posted.

(n) Hitting of any golf ball is prohibited in all parks/trails except for the property at Reid Golf Course.