

AN ORDINANCE AMENDING CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON AND THE OFFICIAL ZONING MAP WHICH IS A PART THEREOF, BY MAKING THE FOLLOWING CHANGES IN THE DISTRICT AS NOW PROVIDED.

(City Plan Commission 10-5-16)

The Common Council of the City of Appleton does ordain as follows:

Section 1: That Zoning Ordinance, Chapter 23 of the Municipal Code of the City of Appleton and the Official Zoning Map, which is a part thereof, is amended by making the following changes:

To rezone lands generally located at the north side of Spartan Drive, west of North Haymeadow Avenue and east of North Richmond Street including to the centerline of the adjacent right-of-way from AG Agriculture District to P-I Public Institutional District. (Rezoning #5-16 – Spartan Drive Lift Station)

LEGAL DESCRIPTION:

A part of Lot 1 of Certified Survey Map No. 4225, located in and being a part of the Northeast ¼ of the Southwest ¼ of Section 2, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin, containing 91,996 sq. ft. of land m/l and being further described as follows:

Commencing at the West Quarter corner of said Section 2;

Thence South 89°57'54" East 2478.72 feet;

Thence South 89°40'21" East 152.11 feet;

Thence South 00°15'15" West 922.80 feet m/l to the most North and West corner of Haymeadow Avenue per the 1st Addition to Clearwater Creek Estates;

Thence North 00°15'15" East 732.17 feet;

Thence Southwesterly 348.10 feet along the arc of a curve to the left having a radius of 360.00 feet and the chord of which bears South 62°33'10" West 334.69 feet;

Thence South 34°51'07" West 411.38 feet;

Thence South 55°08'53" East 462.65 feet;

Thence South 89°44'45" East 149.08 feet;

Thence South 00°15'15" West 20.00 feet;

Thence North 89°44'45" West 155.31 feet;

Thence North 55°08'53" West 468.88 feet;

Thence South 34°51'07" West 2.73 feet;

Thence Southwesterly 427.41 feet along the arc of a curve to the right having a radius of 440.00 feet and the chord of which bears South 62°40'48" West 410.80 feet;

Thence North 89°29'31" West 650.55 feet;

Thence North 01°23'56" East 80.01 feet;

Thence South 89°29'31" East 248.26 feet;

Thence South 00°30'29" West 40.00 feet to the point of Beginning;

Thence North 00°30'29" East 174.31 feet;

Thence South 89°33'07" East 500.12 feet;

Thence South 23°16'01" East 154.00 feet;

Thence Southwesterly 165.87 feet along the arc of a curve to the right having a radius of

400.00 feet and the chord of which bears South 78°37'42" West 164.69 feet;
Thence North 89°29'31" West 401.04 feet to the Point of Beginning including to the
centerline of the adjacent right-of-way.

COMMON DESCRIPTION:

A portion of land generally located on the north side of Spartan Drive, west of North Haymeadow Avenue and east of North Richmond Street. (Tax Id #31-6-6000-00)

Section 2: This Ordinance shall be in full force and effect from and after its passage and publication, and upon its passage and publication the Director of Community and Economic Development is authorized and directed to make the necessary changes to the Official Zoning Map in accordance with this Ordinance.

77-16

AN ORDINANCE REPEALING AND RECREATING CHAPTER 13 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PARKS AND RECREATION.

(Parks and Recreation Committee – 10-5-16)

The Common Council of the City of Appleton does ordain as follows:

Section 1: That Chapter 13 of the Municipal Code of the City of Appleton, relating to parks and recreation, is hereby repealed and recreated to read as follows:

ARTICLE I. IN GENERAL

Sec. 13-1. Definitions and terms.

The following words, terms and phrases when used in this chapter shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(a) ***Committee*** shall mean the City of Appleton Parks and Recreation Committee or the Utilities Committee, subject to each committee's respective jurisdictions.

(b) ***Director*** shall mean either the Director of the Parks, Recreation and Facilities Management Department or the Director of the Public Works Department, or their respective designee, as their respective jurisdictions apply to the subject matter of this chapter.

(c) ***Excessive, loud or unusual noises*** shall mean use of a radio or other similar amplification device so that sound emitting from said radio or amplification device is audible under normal conditions from a distance of seventy-five (75) or more feet.

(d) ***Park*** shall mean the grounds, trails, buildings, waters and any other property under

the jurisdiction of the Parks and Recreation Committee, as well as stormwater management facilities, which are under the jurisdiction of the Utilities Committee.

(e) **Permit** shall mean written authorization from the Director for specific uses of parks and Special Use Areas as required.

(f) **Special Use Areas** shall include properties and facilities, or portions thereof, under the jurisdiction of the Parks, Recreation and Facilities Management Department or the Department of Public Works that are regulated by contracts or agreements approved by the committee of jurisdiction. Special Use Areas may be exempt from certain regulations set forth in this chapter subject to the terms of the contract or agreement and uses permitted therein as approved by the committee of jurisdiction. Special Use Areas include, but may not be limited to:

- (1) Appleton Family Ice Center-Appleton Memorial Park.
- (2) Gardens of the Fox Valley-Appleton Memorial Park.
- (3) Rowing Club-Telulah Park.
- (4) USA Youth, Inc.-USA Youth Sports Complex.
- (5) Appleton Yacht Club-Lutz Park.
- (6) Privately leased areas of Houdini Plaza.

(g) **Stormwater management facilities** shall mean the areas in the City or owned by the City used to carry, manage and/or store stormwater, and includes stormwater detention ponds, drainage corridors and the adjacent landscaping.

(h) **Trails** shall mean paved routes, and five (5) feet on either side of the paved routes, that are designated as trails by the Parks, Recreation and Facilities Management Department and designed and intended specifically for non-motorized public travel, except as provided for in Sec. 13-10, through city-owned and/or managed areas, through property that is designated and operated as a public park for general recreational use, and/or through private property that is maintained by the property owner by agreement with the City.

Sec. 13-2. Committee rule making authority.

The Committee is authorized to adopt additional or revised rules for the conducting of activities within the parks and Special Use Areas. Any violation of the rules adopted by the Committee shall be incorporated herein and considered a violation of this chapter.

Sec. 13-3. Application to City of Appleton employees.

The prohibitions and limitations contained in this chapter shall not apply to City employees or agents when performed as part of their duties.

Sec. 13-4. Activities prohibited without a permit.

The following activities are prohibited in parks and in Special Use Areas without a permit. The denial of a permit may be appealed to the committee of jurisdiction. Other permits or permissions may also be required.

- (a) Exclusive use or use beyond casual play.
- (b) Public meetings, assemblies, entertainment, tournaments or speeches.
- (c) Selling or offering for sale any tangible or intangible item, or offering services that require payment for participation, or soliciting for any trade, occupation, business or profession, except at stormwater management facilities where such activities are strictly prohibited.
- (d) Taking off or landing of aircraft, including, but not limited to, hot air balloons, helicopters and the like, or dropping parachutists or any other object from the sky.
- (e) Camping overnight, except at stormwater management facilities where the activity is strictly prohibited.
- (f) Use during times when the area is otherwise closed to the public.
- (g) Use of any sound amplification device, sound truck, loudspeaker or other device that produces excessive, loud or unusual noises.
- (h) Launching of any watercraft or motorized vehicle, or parking in any area designated for parking, in any area where the Committee has established a fee for such act.
- (i) Fireworks displays, conditioned upon prior issuance of a permit pursuant to Sec. 10-5.
- (j) Hunting, feeding, trapping or disturbing birds or any wildlife, training animals for hunting purposes, releasing any animals or fish. Proper licensing or approval by the Department of Natural Resources may also be required.
- (k) Possession of any glass container.
- (l) Removing any object of archeological interest including any man-made article or implement originating from earlier cultures.
- (m) Operating any solid or liquid fuel powered model, toy, or device including, but not limited to, powered devices operated by remote control.
- (n) Bring in any animal not otherwise permitted under this chapter.
- (o) Fires, except:
 - (1) Cooking fires contained to City provided grills or commercially produced barbeque grills or kettles, and
 - (2) At stormwater management facilities where fires are strictly prohibited.
- (p) Hanging, suspending or placing any object on a tree including rope, cord, webbing or

other material, or engaging in an activity that requires hanging or suspending an object or a person from a tree, except at stormwater management facilities where such activities are strictly prohibited.

(q) Skateboarding, except:

(1) At Telulah Park skateboard park and on trails, where no permit is required, and

(2) At stormwater management facilities where the activity is strictly prohibited.

(r) Bathing or swimming, including in fountains, except:

(1) In City-operated swimming pools or other areas posted for such use, where no permit is required, and

(2) At stormwater management facilities where the activities are strictly prohibited.

(s) Planting any turf, trees, shrubs, flowers or other vegetation, and digging, mowing, trimming, removing or otherwise altering or destroying any turf, trees, shrubs, flowers or other vegetation.

Sec 13-5. Prohibited items and uses.

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

(a) Unless otherwise permitted by law, possession 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.

(b) Operation of snowmobiles.

(c) Washing vehicles or pets.

(d) Removal of or harming any wildlife.

(e) Defacing, destroying or vandalizing any structure, sign, equipment or other City property.

(f) Operating or parking any motorized vehicle or device during closed hours.

(g) Littering.

(h) Bringing in trash to dispose of and disposing of trash not relating to normal use.

(i) Being abusive, boisterous or disorderly.

(j) Engaging in an activity for which a permit is required without first obtaining a permit.

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

(l) Affixing or setting upon any sign, notice, solicitation, literature, exhibit, display, flyer or pamphlet of whatever nature or to any tree, shrub, post, barrel, building or any other plant or structure.

(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 notices, in accordance with park rules, in connection with any permitted activity which is taking place in the location in which the sign or notice is erected or posted.

(m) Hitting any golf ball except as permitted at Reid Golf Course.

(n) Dogs, unless the dog is on a trail and restrained by a chain, rope or other type of leash no more than eight (8) feet in length and an individual competent to govern and physically control and restrain the dog is in physical control of the leash at all times.

Sec. 13-6. Park hours.

(a) Unless otherwise specified, parks, with the exception of trails, and Special Use Areas shall be open to the public from 5:00 a.m. to 11:00 p.m.

(b) Unless otherwise specified, trails shall be open 24 hours a day, 7 days a week.

(c) Persons launching or transporting a watercraft from park property may do so only within the park hours.

(d) The Director shall have full authority to open and close any park, Special Use Area, or any part thereof, because of season, condition, construction, or when in the interest of public safety if it is deemed necessary by the Director.

Sec. 13-7. Fees and charges.

(a) The Committee of jurisdiction shall have the authority to establish such fees as are deemed necessary for use of any park or Special Use Area or any portion thereof, and for the reservation of the park or Special Use Area or any portion thereof.

(b) Fee schedules shall be available upon request from the Parks, Recreation and Facilities Management Department.

(c) It shall be unlawful to use an area of a park or Special Use Area where a fee is required without first paying the fee.

Sec. 13-8. Possession of alcoholic beverages.

(a) No alcoholic beverages, other than fermented malt beverages and wine, are allowed in

any park.

(b) No person shall drink from or possess an open container of permitted alcoholic beverage in any park before 10:00 a.m. or after 10:00 p.m.

- (1) Time limitations in this section shall be extended in the posted areas of Appleton Memorial Park while organized league or tournament play is in progress.
- (2) Time limitations in this section shall be extended to 9:00 a.m. at Reid Golf Course.

(c) No person shall drink from or possess an open container of permitted alcoholic beverage in any park other than Reid Golf Course without having a permit issued by the Appleton Police Department unless otherwise allowable by City Code or Policy.

- (1) Permits shall be issued by the Appleton Police Department 24 hours a day, seven (7) days a week.
- (2) Permits shall be valid for up to one year, with all permits expiring on March 1st annually.
- (3) A person may use their permit for a group so long as the permit holder remains at the park with the permit the entire time there is any drinking from or possession of open containers of permitted alcoholic beverages.
- (4) Permits shall only be issued to adults, 21 years old or older, and a Terms and Conditions Agreement must be agreed to and signed by the applicant when the application is submitted.
- (5) A permit application may be denied if the applicant has a verifiable history of code violations or criminal conduct relating to disorderly conduct, criminal damage to city property, or any other violation directly related to misuse of city parks or property. A decision to deny a permit may be appealed to the appropriate committee of jurisdiction.

(d) No alcoholic beverages of any kind may be carried into any area of Reid Golf Course at any time unless the alcoholic beverage was purchased at or provided by or on behalf of Reid Golf Course.

(e) A person violating this section and/or a permit holder who violates the Terms and Responsibility Agreement of the permit application may be subject to a forfeiture pursuant to Sec. 1-16 and Sec. 13-11 et. seq., and future permit requests may be denied.

Sec. 13-9. Fishing: catch and release.

Fishing in Appleton Memorial Park Pond and stormwater detention ponds is permitted but subject to certain limitations.

(a) Appleton Memorial Park Pond. Fishing is permitted during regular park hours, except when such waters are being used for City-sponsored activities, and is subject to Wisconsin Department of Natural Resources regulations for urban fishing waters. The pond has a year round season with no length limits, except only juveniles 15 years of age or younger and disabled anglers pursuant to Wisconsin Stat. s. 29.193(3)(a), (b) or (c), may fish from the second Saturday in March to, but not including, the last Saturday in April. There is a bag limit of three (3) trout, one (1) gamefish (largemouth bass, smallmouth bass, walleye, sauger or northern pike), and ten (10) panfish (bluegill, crappie, pumpkinseed, yellow perch and bullhead).

(b) Stormwater Detention Ponds. These ponds are considered “catch and release” ponds; therefore, all caught fish must be immediately returned to the pond. Regular fishing line and barb-free hooks must be used at all times. Fishing is permitted in these ponds from 5:00 a.m. to 11:00 p.m., except when such waters are being used for City-sponsored activities, subject to Wisconsin Department of Natural Resources regulations and licensing requirements.

Sec. 13-10. General regulations.

(a) Motor-driven vehicles and devices are restricted to designated roadways and parking areas in parks and Special Use Areas and are prohibited on trails and any other area, except for motor-driven vehicles and devices that are used by a physically disabled person as defined under s. 346.503(1), Wis. Stat., and in compliance with Title II and III of the Americans with Disabilities Act, or with prior written permission from the Director.

(b) The speed of motor-driven vehicles and devices shall be limited to a maximum of fifteen (15) miles per hour unless otherwise posted. Operating speeds shall be speeds that are reasonable, safe and prudent so as not to interfere with the safety of park users.

(c) It shall be unlawful to park, stop or leave standing any motor-driven vehicles or devices within any park between the hours of 11:00 p.m. and 5:00 a.m., unless otherwise posted and unless such motor vehicle is registered for overnight parking with the Director.

(d) Except for a motor vehicle used by a physically disabled person as defined under s. 346.503(1), Wis. Stats., no persons may park, stop or leave standing any vehicle, whether attended or unattended and whether temporarily or otherwise, upon any portion of any park or Special Use Area reserved by official traffic signs indication the restriction, for vehicles displaying special registration plates under s. 341.14(10), (1a), (1e), (1m), or (1r), Wis. Stat., or a special identification card issued under s. 343.51, Wis. Stats., or vehicles registered in another jurisdiction and displaying a registration plate, card or emblem issued by the other jurisdiction which designates the vehicle as a vehicle used by a physically disabled person.

(e) No person shall interfere in any manner with any City employee or agent in the performance of his or her assigned duties.

Sec. 13-11. Penalty.

A person who violates any section of this chapter may be penalized pursuant to Sec. 1-16, and may also be evicted from parks and Special Use Areas pursuant to Sec. 10-26.

(a) At the time of eviction, or as soon as reasonably practical thereafter, the person evicted shall be provided an eviction notice from the Director or the Appleton Police Department. The

eviction notice shall specify the duration of the eviction and the area(s) of eviction.

(b) A person evicted may appeal the eviction by contacting the Director in writing within twenty-one (21) calendar days of the date of eviction and providing the Director with the reason for the appeal. The Director shall respond in writing to the appeal within twenty-one (21) calendar days with a decision. If the person is not satisfied with the Director's decision, he or she may appeal to the committee of jurisdiction by requesting to be heard at the next committee meeting where the members of the committee will have a reasonable amount of time to review the matter prior to the meeting date. The decision of the committee shall be final.

(c) Any person evicted for more than two (2) consecutive calendar years may appeal the eviction once each calendar year by following the procedure in Sec. 13-11(b).

Section 2: This ordinance shall be in full force and effect from and after its passage and publication.