

5-14

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 – 2-5-14)

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Section 1: That Chapter 13 of the Municipal Code of the City of Appleton, relating to parks and recreation, is hereby repealed and recreated to read as follows: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) The term Committee shall mean the City of Appleton Parks and Recreation Committee or the Utilities Committee subject to each committee's respective jurisdictions.

(b) The term park shall include the grounds, buildings thereon, waters therein, designated trails and any other property which is under the jurisdiction of the Parks and Recreation Committee as well as stormwater management facilities under the jurisdiction of the Utilities Committee.

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

(d) The term permit shall mean written authorization for specific uses of facilities or areas as required.

(e) 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.

(f) The term trail shall mean routes maintained by the Parks, Recreation and Facilities Management Department, and five (5) feet on either

side, that are designed and intended specifically for non-motorized public travel through city-owned and/or managed areas or through property that is designated and operated as a public park for general recreational use.

(g) Special Use Areas shall include properties and/or facilities, or portions thereof, under the jurisdiction of the Parks, Recreation and Facilities Management Department or 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 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.

Sec. 13-2. Committee rule making authority.

The committee of jurisdiction is authorized to adopt additional or revised rules and regulations for the conducting of activities within the parks in the city of Appleton. Any violation of the rules adopted by the Committee shall be incorporated herein and considered a violation of this section.

Sec. 13-3. Permits

Written permits shall be required for the following from the department director or designee with jurisdiction over the subject area and a denial of such permit may be appealed to the appropriate committee of jurisdiction.

(a) Use beyond casual play or exclusive use of any trail, park, facility, play area, or special use area.

(b) All public meetings, assemblies, entertainment, tournaments or speeches held on or in properties under the jurisdiction of the Parks and Recreation Department or stormwater management facilities under the jurisdiction of the Department of Public Works.

(c) Selling or offering for sale any tangible or intangible item or soliciting for any trade, occupation, business or profession.

(d) The 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 in any park.

(f) Use of park facilities or grounds during times when the park 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 as defined herein.

(h) Launching of any watercraft or motorized vehicle, or parking in any area designated for parking, in any part of a park where the Committee has established a fee for such act.

(i) Fireworks displays conditioned upon prior issuance of a permit pursuant to §10-5.

(j) Hunting, feeding, trapping or disturbing birds or any wildlife, training animals for hunting purposes, releasing any animals or fish without written permission from the Director and proper licensing or approval by the Department of Natural Resources as may 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) Animals in parks, except dogs on trails when 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 animal is in physical control of the leash at all times.

(o) Any animal, not otherwise permitted under this chapter, that will be present as part of a special event or activity.

(p) Building of fires other than cooking fires contained to City provided grills or commercially produced barbecue grills or kettles.

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) 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.

(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.

Sec. 13-5. Park hours.

Unless otherwise specified, park hours shall be from 5:00 a.m. to 11:00 p.m. Persons launching or transporting a watercraft from park property may do so only within the park hours.

(a) Park closings and open dates. The Director shall have full authority to open and close any park, facility or area because of season, condition, construction, or when in the interest of public safety, it is deemed necessary.

Sec. 13-6. Fees and charges.

(a) The Committee shall have the authority to establish such fees as are deemed necessary for use of any facility, trail, program, activity, facility, shelter, pavilion, special use areas, or land area, or for the reservation of such activity or area.

(b) Fee schedules shall be available upon request.

(c) It shall be unlawful to use such areas without payment of such fee or charge.

Sec. 13-7. 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 beverages in any park before 10:00 a.m. or after 10:00 p.m.

(c) 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.

(d) No alcoholic beverages of any kind may be carried into posted areas of Appleton Memorial Park during times when alcoholic beverages are offered for sale by licensed vendors located within the posted areas.

(e) Permits to extend these time limitations, or type of alcohol permitted, may be applied for from the Director or designee thereof. A decision to deny such permit may be appealed to the appropriate committee of jurisdiction.

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. 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 or devices are restricted to designated roadways and parking areas.

(b) The speed of motor-driven vehicles or devices shall be limited to 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 and a violation of this ordinance 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 reserved by official traffic signs indicating 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) Bathing or swimming within a park, including fountains and stormwater ponds, is prohibited except in city-operated swimming pools or other areas posted for such use.

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

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