

Memorandum

To: Parks & Recreation Committee

From: Dean R. Gazza, Director of Parks, Recreation and Facilities Management

Date: 9/18/2013

Re: Parks & Recreation Ordinance Review

The Parks and Recreation Committee conducted a review of all park ordinances in 2007. The ordinance review included considerable input and feedback from the public at committee meetings prior to the adoption of the revisions by the Committee and Council in July 2007. A revision to section 13-7, Possession of Alcoholic Beverages, was adopted by the Committee and Council in October 2010.

Attached is a document containing the revisions adopted in 2007 and 2010 and provides some background information on the revisions. The revisions adopted in 2007 and 2010 are noted in **BOLD**.

Based on feedback from the community, City staff and the Parks, Recreation and Facilities Management Department staff, several sections of the park ordinances may need adjustments and/or revisions to meet current and/or future parks/facilities uses and community needs and interests. Revisions may also be needed to provide additional clarity or consistency within the ordinances.

The following sections of the park ordinances require discussion, feedback and input from the community and Parks and Recreation Committee before a recommendation is prepared for Committee review and approval:

Section 13-1 (g) This section of the ordinance identifies special use areas under the jurisdiction of the Parks, Recreation and Facilities Management Department whose uses, facility characteristics, agreements for operation and management, etc. may require regulations and/or uses that are different than those allowed by the ordinances. The current and future uses of the recently renovated Houdini Plaza may not fit into the current park ordinances, so it may be appropriate to recognize the unique characteristics of the plaza and identify a mechanism to manage, operate and use the plaza within applicable ordinances.

Section 13-4 (e) This section of the ordinance currently prohibits animals (dogs) in parks, except leashed animals (dogs) are allowed on trails or when permission is received from the Director. There have been requests from the community, elected officials, etc. to consider allowing animals (dogs) in parks. Allowing animals (dogs)

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in parks received significant support at the public participation sessions during the 2007 ordinance review process, but the Committee and Council did not revise the ordinances to allow animals (dogs) in park. Committee discussion may include; should the ordinances be revised to allow animals (dogs) in parks; if so, where are animals (dogs) allowed (playgrounds, pavilions, athletic fields, etc.); will animals (dogs) be required to be on a leash or just "under the control of the owner"; what clean up responsibilities are needed; etc.

Sections 13-3 and 13-4 The City Attorney's office is currently reviewing these sections to ensure consistency and clarity. Section 13-3 recognizes those uses and/or activities that are allowed by permit only and Section 13-4 identifies those activities and/or uses that are prohibited. However, there are activities and/or uses within Section 13-4 that are allowed by permit, so these may need to be moved to section 13-3. It would not change the permitted and/or prohibited activities and/or uses, but would provide more consistency within the ordinances and their current format/structure.

General Ordinances The City Attorney's office is also reviewing all the ordinances to eliminate any inconsistencies, duplication of restrictions/limitations, clarifications, and elimination of language that is no longer applicable. These adjustments and/or revisions will be noted in future documents, along with any proposed revisions recommended by the Committee and community.

The discussion on revisions to park ordinances will appear as an information item on the agenda for the Parks and Recreation Committee meeting on Wednesday, September 25, 2013.

Please feel free to contact me at 832-5572 with any questions, or by email at dean.gazza@appleton.org. Thank you.

**PARKS AND RECREATION ORDINANCE RE-WRITE
2007**

PARKS AND RECREATION

- 13-1 Definitions and terms.
- 13-2 Committee Rule Making Authority.
- 13-3 Permits.
 - (a) Exclusive Use
 - (b) Public Meetings, Assemblies
 - (c) Selling or Trading
 - (d) Landing of Aircraft
 - (e) Camping Overnight
 - (f) Closed Hours
 - (g) Sound amplification
 - (h) Boat Launching
 - (i) Fireworks
 - (j) Hunting, trapping**
 - (k) Glass beverage containers**
 - (l) Animals**
- 13-4 Prohibited Items or Uses.
 - (a) Building Fires
 - (b) Possession of weapons
 - (c) Snowmobiles
 - (d) Washing vehicles or pets
 - (e) Animals**
 - (f) Throwing stones or missiles
 - (g) Digging or removing
 - (h) Defacing, vandalisms
 - (i) Motorized vehicles –Electrical personal assistive mobility devices.
 - (j) Littering
 - (k) Disposing of trash
 - (l) Being abusive, disorderly
 - (m) Archeological items
 - (n) Activities without permit
 - (o) Launch Permit
 - (p) Affixing notices
 - (q) Golf
 - (r) Fuel powered models or devices.
- 13-5 Park Hours
 - (a) Park Closing and Opening Dates
- 13-6 Fees and Charges
- 13-7 Possession of Alcoholic beverages
- 13-8 Trail System
- 13-9 Fishing – Appleton Memorial Park
- 13-10 General Regulations

- (a) Motor Vehicles/Devices
 - (b) Speed limits
 - (c) Parking
 - (d) Disabled Plates
 - (e) Swim or Bathing
 - (f) Non-motorized vehicles
 - (g) Interfere with employees
- 13-11 Penalties.
- 13-12 Enforcement.

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 committees' 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 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 Cities-Appleton Memorial Park.
- (3) Rowing Club-Telulah Park.
- (4) USA Youth, Inc.-Sports Complex.
- (5) Appleton Yacht Club-Lutz Park.

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 a violation of this section.

Sec. 13-3. Permits

Written permits shall be required for the following from the office of the Director of the department 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, Recreation and Facilities Management 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) For use of park facilities or grounds during closed hours.

- (g) For use of any sound amplification device, sound truck, loudspeaker or other device **to be used in conjunction with a program and/or facility rental and provided it will not produce excessive, loud or unusual noises.**
- (h) For 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 in parks are permitted only if appropriate permits in this section are obtained and expressly permitted pursuant to provisions of §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) **Any animal, not otherwise permitted under this chapter, that will be present as part of a special event or activity.**

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) **Building of fires other than cooking fires provided such cooking fires are limited to City provided grills or commercially produced barbecue grills or kettles located within parks under the jurisdiction of the Parks, Recreation and Facilities Management Department. No fires of any kind shall be permitted on trails or on or adjacent to stormwater management facilities.**
- (b) Possession of any firearm 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) **Animals, except on those portions of trails where signs indicate leashed animals are permitted or when written permission from the Director has been granted in conjunction with a special event or activity.**
- (f) Throwing stones or missiles.

- (g) Digging or removal of any turf, trees, shrubs, flowers or wildlife.
- (h) Defacing, destroying or vandalizing any structure, sign, natural growth or equipment.
- (i) Operating or parking any motorized vehicle or devices in a park during closed hours.
- (j) Littering in a park.
- (k) Disposing of trash not relating to park use.
- (l) Being abusive, boisterous or disorderly.
- (m) Removing any object of archeological interest including any man-made article or implement originating from earlier cultures, all without the prior written consent of the Director of Parks, Recreation and Facilities Management.
- (n) Engage in an activity which a permit is required without obtaining a permit.
 - (1) Subsection (n) above does not apply to permits required for the launching of a watercraft from a park.
- (o) 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.
- (p) 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.
- (q) **Hitting of any golf ball is prohibited in all parks/trails except for the property at Reid Golf Course.**
- (r) Operating any solid or liquid fuel powered model, toy, or device **including, but not limited to, powered devices operated by remote control except by written permission of the Director.**

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 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 12:00 p.m. (noon) or after 9:00 p.m.**
- (c) **Time limitations in this section shall be extended in the posted areas of Appleton Memorial Park while organized league or tournament plan 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.

The purpose of this section is to permit fishing in Appleton Memorial Park Pond and stormwater detention ponds subject to certain limitations. Regular fishing line and barb-free hooks must be used at all times. Those fishing in the ponds must possess a valid fishing license issued according to Wisconsin Department of Natural Resources regulations.

- (a) **Appleton Memorial Pond.** Fishing is permitted during regular park hours, subject to Wisconsin Department of Natural Resources regulations for urban fishing waters, except when such waters are being used for City sponsored activities. 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 Wis. Stat. 29.193(3)(a), (b) or (c), my fish from the second Saturday in March to, but not including, the last Saturday in April. There s a bag limit of three (3) trout, one (1) gamefish (largemouth bass, smallmouth bass, walleye, sauger, and northern pike) and ten (10) panfish (bluegill, crappie, pumpkinseed, yellow perch and bullhead.)
- (b) **Stormwater Detention Ponds.** These ponds are considered “catch and release” pond; therefore, all caught fish must be immediately returned to the pond. Fishing is permitted in these ponds from 5:00 am to 11:00 pm, subject to Wisconsin Department of Natural Resources regulations, except when such waters are being used for City sponsored activities.

Sec. 13-10. General regulations.

- (a) **Motor-driven vehicles or devices** are restricted to designated roadways and parking.
- (b) **Motor-driven vehicles or devices** speed limits shall be restricted 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 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 bathe or swim within a park, including but not limited to stormwater facilities, except in city operated pools or areas posted for such use, and then only in suitable bathing attire.

- (f) Bicycles, roller blades, skateboards, and other non-motorized vehicles shall comply with the rules and regulations applicable to those vehicles. No person shall ride a bicycle or operate a non-motorized vehicle upon lawns. Careless operation will be grounds for removal from the park.

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