

TITLE 12

Parks and Recreation

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Title 12 – Chapter 1

Parks and Navigable Waters

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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 City of Westby 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, playground, recreational area, river/lake access sites, swimming pool, or conservancy area in the City.
- (b) **Definitions.**
- (1) **Parks.** Includes all existing, proposed and future municipal property set aside for active or passive use of leisure time.
 - (2) **Park Facilities.** Any park area, equipment or structure that has been set aside with a specific use intended.
 - (3) **Playgrounds.** An area, either within a larger park area or a small area set aside for the purpose of promoting imaginative and creative play of school children and providing a means of physical exercise through the use of play apparatus.
 - (4) **Swimming Areas.** Any open swimming area developed with the intent for use for swimming purposes and under the supervision of a professional lifeguard.
 - (5) **Green Belts.** Areas of municipally owned lands that are intended to serve an environmental control function such as erosion control, flood control and groundwater preservation which land is not generally desirable for public development, but may include any special interest activities which may lend themselves to the area, such as trails.
 - (6) **Open Spaces.** Areas of municipally owned lands maintained in their natural state, thus supporting native plants and animals.
 - (7) **Public Property.** All municipally owned parks, park facilities, playgrounds, swimming areas, green belts, open spaces, streets, parking facilities and easements for public use.
- (c) **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 Common Council, or designated committee thereof.
- (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 Common Council or designated committee thereof.
- (4) **Throwing Stones and Missiles Prohibited.** No person shall throw stones or other missiles 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.
- (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 City parks unless authorized by the Common Council.
- (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 City park; or to deface by drawing with crayon, chalk, paint, or anything else on any of the buildings or equipment at any City 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 Common Council authorization for shows, rides or exhibits and then only for the purpose of loading and unloading.
- (10) **Snowmobiles.** No person shall operate a snowmobile in a City park except in designated areas. Snowmobiles shall only be operated on designated trails.

- (11) **Speed Limit.** No person shall operate any vehicle in a City park in excess of fifteen (15) miles per hour unless otherwise posted.
- (12) **Glass Beverage Bottles in Parks Prohibited.** No person shall bring into, carry onto or possess while in any public park glass bottles or glass containers, including those containing or normally used for containing soda water, fermented malt beverages or alcoholic beverages.
- (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 City.
- (14) **Parking in Parks.** No person shall park any motor vehicle in any park in the City except in a designated parking area.
- (15) **Horse and Carriages.** No person shall ride a horse or drive a horse-driven vehicle in any park, except on roads or designated bridle paths, except when approval of the Common Council 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.
- (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 City 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 City park, except in authorized areas.
- (19) **Fees and Charges.** The Common Council shall have the authority to 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 firearm or weapon of any kind is prohibited in all City parks.
- (21) **Fish Cleaning.** Cleaning of fish in shelters, toilet facilities or picnic areas is prohibited in all City parks.
- (22) **Controlled Substances.** Possessing, using or dispensing of a controlled substance in violation of the Uniform Controlled Substances Act is prohibited in all City parks.
- (23) **Vendors Restricted.** No person shall sell, vend or give away any article of merchandise whatever, without a written permit from the Common Council. No person shall expose or offer for sale any article or thing nor station or place any stand, cart, 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 Common Council unless special permission is granted by the Common Council during a special event.
- (24) **Alcohol Beverages.** The consumption or possession of alcohol beverages in City parks shall be as regulated by Section 11-4-1.
- (25) **Pets.** Dogs and any other pets must be kept on a leash and under control at all times; pet owners are responsible for cleanup of pet waste.
- (26) **Skates.** No skateboards, inline skates or roller skis will be permitted in the 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 City 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 City park.
- (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 City park where the waste is generated from outside of the City park property.
- (34) **Bicycle Use 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.

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 remote or radio-controlled model airplane, helicopter, or any other airborne 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 Common Council, no person shall dig into the turf of any City-owned park or recreational property for any purposes whatsoever or remove any trees or flowers. Absent authorization by the Common Council, the use of metal detectors and digging for buried objects on City parks or recreational property, except beaches where no vegetation is present, is prohibited.

Sec. 12-1-4 Park Hours.

- (a) **Park Hours.** Subject to certain exceptions listed below, all City parks shall be closed from 9:00 p.m. to 5:00 a.m. the following day. Closing hours shall not be applicable for Council-authorized

events.

- (b) **Park Closing and Opening Dates.** The Chief of Police or Common Council will have full authority to open and close any park, facility or area because of weather conditions, physical condition, construction or when, in the interest of public safety, it is deemed necessary.
- (c) **Exceptions for Organized Activities.** Subsection (a) shall not apply to any persons participating in or any organized activity in a City park which was authorized by the Common Council. This exception shall apply during the time such activity is in progress at a City park and for thirty (30) minutes after the termination of such activity.

Sec. 12-1-5 Reservation of Park Space.

- (a) **Policy on Reservation.** The City-owned park and park facilities and shelter areas are primarily for the nonexclusive use of the residents and visitors of the City. 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, excluding camping areas, in the City to the end that the general welfare of the City is protected.
- (b) **Reservation of Park Space.** A person or group, firm, organization, partnership or corporation may reserve the use of a park facility or a park shelter by written application filed with the City Clerk-Treasurer for a permit for exclusive use of the same. The City Clerk-Treasurer shall issue permits for exclusive use of a portion of a park or park shelter, while the Common Council shall issue permits for the exclusive use of City parks. Park facilities are reserved on a first-requested, first-reserved basis.
- (c) **Application.** Applications shall be filed with the City Clerk-Treasurer at least fourteen (14) days prior to the date on which the exclusive use of the entire park is requested, or at least three (3) days prior to the date on which a park shelter or 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 Common Council or City Clerk-Treasurer finds reasonably necessary to a fair determination as to whether a permit should be issued.
- (d) **Action on Application.** The Common Council shall act promptly on all applications for permits for exclusive park use (not shelter use) after consulting with the applicant, if necessary.
- (e) **Reasons for Denial.** Applicants 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 City.
 - (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.
- (f) **Indemnification.** Prior to granting any permit for exclusive use of the park, the City 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 City 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 City and such third parties as may be injured or damaged thereby, caused by the permittee, its agents or participants.
 - (g) **Permit Not Required For City Activity.** A permit is not required for exclusive use of the park or a park facility sponsored by the City.
 - (h) **Permit Revocation.** The Common Council and/or Chief of Police after granting a permit 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 Common Council 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 11-5-1 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 City facilities shall be completely responsible for cleaning up the facilities after the event to the satisfaction of City 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 City park shall agree to assume full responsibility for all damage to City property by any invitee of said organization or corporation and shall make full payment therefore upon billing by the City 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 City may have.
 - (l) **Rental of City Park Shelters in Davidson Park.**
 - (1) Each shelter is available for a \$20.00 fee (per day).
 - (2) **Fees Nonrefundable.** These rental prices defray the costs of electricity, cleaning and maintenance. These fees are not refundable. Payments to the City Clerk-Treasurer must be made in advance of the reservation.

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 City 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 City 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 City public park or other public property, the operator of such ultralight aircraft shall first obtain a permit from the Common Council. No fee shall be charged by the Common Council for such permit which may be issued for a period up to thirty (30) days, nor shall the Common Council sponsor such activity.

Title 12 – Chapter 2

Reservation of Meeting Space

12-2-1 Reservation of Meeting Space

Sec. 12-2-1 Reservation of Meeting Space.

- (a) **Policy on Reservation.** City facilities, such as the Community Center, are primarily for the nonexclusive use of the residents of the City. However, under proper circumstances, exclusive use of the same may be permitted. This Section is intended to regulate exclusive use of the City facilities to the end that the general welfare of the City is protected.
- (b) **Application.** Applications shall be filed with the City Clerk-Treasurer at least forty-eight (48) hours prior to the date on which the space is to be used. The requestor shall provide the City Clerk-Treasurer with 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 the group, firm, organization, partnership or corporation, the name, address and telephone number of 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 City-owned space.
 - (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 City-owned facility.
 - (6) Any additional information which the City Clerk-Treasurer finds reasonably necessary to a fair determination as to whether authorization should be granted.
- (c) **Reasons for Denial.** Applicants requesting the use of the City-owned facility 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 an application is already pending.
 - (3) If the applicant does not provide the information required by Subsection (b) above.
 - (4) The application is made less than the required time in advance of the scheduled exclusive use.
 - (5) If it is for a use of the City-owned facility at a date and time when, in addition to the proposed use, anticipated nonexclusive use by others of the City-owned 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 City-owned facility.
 - (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.
- (d) **Rental Conditions.** The City-owned facility may only be rented if the requesting party agrees to comply with the following conditions:
 - (1) The renter will be responsible for cleaning up the City-owned facility to an acceptable level after use.

- (2) Rental use of the City-owned facility shall be restricted to the areas designated by the Clerk, unless otherwise specifically permitted by the Clerk-Treasurer.
- (3) Storerooms, whether locked or unlocked, shall be considered off-limits to all renters and members of their groups under any circumstances, and entrance thereto is forbidden.
- (4) The City-owned facility shall not be rented on a permanent basis to any individual or group, unless otherwise specifically permitted by the Common Council.
- (5) No decorations will be taped to ceiling tiles, and ceiling tiles will not be disturbed.
- (e) **Rental Fees.** A fee as established by the Common Council may be charged for the use of a City-owned facility.
- (f) **Inspection Prior to Refund.** Community Center facilities, including tables and chairs, will be inspected by the Clerk-Treasurer after use. The security deposit will be forfeited if damage is found.
- (g) **Recreational Equipment.** Recreational equipment belonging to the City shall not be removed from the premises.

Title 12 – Chapter 3

Public Property Naming Procedures

12-3-1 Naming Procedures for Public Property

Sec. 12-3-1 Naming Procedures for Public Property.

(a) **Renaming Streets.**

- (1) To request the renaming of a City street, by anyone other than the City, a petition signed by at least fifty percent (50%) of all property owners along the street in question shall be submitted to the Common Council. Petition signatures shall be limited to one per parcel. Naming shall be accomplished through adoption of a formal resolution by the Common Council.
- (2) For streets within a recorded subdivision or certified survey map, an affidavit of correction shall be recorded with the Register of Deeds as specified under Sec. 236.295, Wis. Stats.
- (3) All costs associated with the name, including the cost of any recording necessary and the cost of signage shall be paid by the person(s) submitting the request. This cost may be waived by the Common Council.

(b) **Naming of Public Waters.** (Note: proposed names for public waters require approval of the Wisconsin Geographic Names Council in order to be recognized on maps outside the City.)

- (1) Requests to name or rename a creek, stream, river or lake shall be made in writing and brought before the Common Council. The person(s) who submitted the request shall provide background information into the rationale behind the request, including biographical information if to be named after a person. Any letters from appropriate organizations and individuals which provide evidence of substantial local support for the proposal shall be submitted at that time. If the creek, stream, river or lake is included in a Lake Protection and Rehabilitation District, approval from the district must be obtained prior to the submittal of the request to the City. Upon approval of the Common Council, the proposed name change shall be submitted to the Wisconsin Geographic Names Council for approval.
- (2) Once a public body of water is named after a person, the name of the public body of water cannot be changed for a period of fifty (50) years.
- (3) All costs associated with the naming, including the cost of any recording necessary and the cost of signage, shall be paid by the person(s) submitting the request. This cost may be waived by the Common Council.

(c) **Naming of Public Facilities.**

- (1) Requests for the naming or the renaming of public buildings, faculties, and parks shall be submitted in writing. Requests concerning parks shall be brought before the Common Council. The person(s) who submitted the request shall provide background information into the rationale behind the request, including biographical information if to be named after a person. Any letters from appropriate organizations and individuals which provide evidence of substantial local support for the proposal shall be submitted at that time. Naming shall be accomplished through adoption of a formal resolution by the Common Council.
- (2) Once a public building, park or facility is named after a person, the name of the public property cannot be changed for a period of fifty (50) years.

- (3) All costs associated with the naming, including the cost of any recording necessary and the cost of signage, shall be paid by the person(s) submitting the request. This cost may be waived by the Common Council.
- (d) **Recommendations.** At its option, the Common Council may ask for advisory recommendations on renaming applications from City committees/commissions, City staff or civic organizations.