

CHAPTER 5

Regulation of Parks and Navigable Waters

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SEC. 4-5-1 PARK REGULATIONS.

(a) **Purpose and Definition.** In order to protect the parks, parkways, recreational facilities and conservancy areas within the Town of Burke 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, public boat landings, public lake accesses, recreation facility or conservancy district in the Town of Burke.

(b) **Specific Regulations.**

- (1) Littering Prohibited. No person shall litter, dump or deposit any rubbish, refuse, earth or other material in any park, except by placing such material in receptacles provided for such purpose.
- (2) Sound Devices. No person shall operate or play any amplifying system unless specific authority is first obtained from the Town Board.
- (3) Pets prohibited. No pets, leashed or unleashed, are permitted in any Town park.
- (4) Bill Posting. No person shall post, paste, fasten, pain 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 Town Board.
- (5) Trapping. No person shall trap in any Town park unless specific written authority is first obtained from the Town Board.
- (6) 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.
- (7) Protection of Park Property. No person shall kill, injure or disturb or attempt to injure or disturb waterfowl, birds or animals, wild or domestic, within any park. 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, ornament, building, structure, apparatus, bench, table, official notice, sign or other property within any park.

- (8) Motorized Vehicles. No person shall operate an unlicensed or licensed motorized vehicle outside of areas specifically designated as parking areas.
- (9) Reckless Driving in Parks Prohibited. No person shall operate a motorized vehicle in a reckless manner in any of the public parks of the Town.
- (10) Parking in Parks. No person shall park any motor vehicle in any park in the Town except in a designated parking area. Overnight parking is prohibited, unless authorized by the Town Board or its designee.
- (11) Illegal Entry. It shall be unlawful for any person to enter in any way any park building, installation or area after the posted closing time or before the posted opening time, or contrary to posted notices.
- (12) Throwing Stones and Missiles Prohibited. No person shall throw stones or other missiles in or into any park.
- (13) Removal of Park Equipment Prohibited. No person shall remove benches, seats, tables, or other park equipment from any park, unless authorized by the Town Board or its designee.
- (14) Closing Hours. All Town parks shall be closed between 10:00 p.m. and 6:00 a.m.
- (15) Speed Limit. No other person shall operate any vehicle in a Town park in excess of fifteen (15) miles per hour unless otherwise posted.
- (16) Firearms. Within a Town park it shall be unlawful for any person to have in his possession or under his or her control:
 - a. Any firearm as defined in the Wisconsin Statutes, in violation of any applicable Wisconsin Statute.
 - b. Hunting is prohibited in all Town parks and recreational areas.
- (17) Vending. Vending is prohibited in Town parks unless authorized by the Town Board.
- (18) Fireworks. Fireworks are prohibited in Town parks unless a permit is issued by the Town Board.
- (19) Camping. Camping is prohibited in Town parks.
- (20) Alcoholic Beverages. No alcoholic beverages are allowed in Town parks unless authorized by the Town Board or designee.

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SEC. 4-5-2 RADIO-CONTROLLED MODEL AIRPLANES PROHIBITED IN PARKS.

No person shall fly a radio-controlled model airplane in any park in the Town of Burke except in areas specifically designed and posted for such purpose.

SEC. 4-5-3 USE OF METAL DETECTORS ON PUBLIC PROPERTY.

Absent authorization by the Town Board, the use of metal detectors and digging for buried objects on Town Property, except beaches where no vegetation is present, is prohibited.

SEC. 4-5-4 FEES AND USER RREGULATIONS.

(a) Fee Schedule. It shall be unlawful for any person to ue any Town of Burke park facility, shelter, land or recreational area for which a fee or charge has been approved by the Board without payment of such fee or charge.

(b) Additional Rules. Rules and regulations may be recommended to the Town Board from time to time that governs playgrounds, beaches, boat landings, campgrounds, lakes, streams, and the facilities thereof. Any person whom shall violate such rule or regulations may be excluded from the use of such facility.

(c) Permits. Any person to whom a permit shall have been issued by the Town Board or agent thereof shall be bound by the provisions of all ordinances and rules of the Town of Burke as fully as though the laws were inserted in each permit.

SEC. 4-5-5 RESERVATION OF PARK SPECE OR SHELTERS.

(a) Policy on Reservation. The Town-owned Park and park facilities and shelter areas are primarily for the nonexclusive use of the residents and visitors of the Town of Burke. However, under proper circumstances, exclusive use of the same or parts thereof may be permitted. This Section is intended to regulation exclusive use of Town-owned parks, park facilities, shelters or parts thereof in the Town to end that the general welfare of the Town is protected.

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- b) Reservation of Park Space. A person or group, firm, organization, partnership, or corporation may reserve the exclusive use of a park facility or shelter by written application filed with the Town Clerk for a permit. The Clerk shall issue permits for exclusive use of the shelter, while the Town Board shall issue permits for the exclusive use of Town parks.
- c) Application. Application shall be filed with the Clerk 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 the shelter is to be used, and shall set forth the following information regarding the proposed exclusive use:
 - a. The name, address, and telephone number of the applicant.
 - b. 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.
 - c. The name, address, and telephone number of the person who will be responsible for the use of the said park, area or facility.
 - d. The date when the exclusive use is requested and the hours of the proposed exclusive use.
 - e. The anticipated number of persons to use the said park, area or facility.
 - f. Any additional information which the Town Clerk or Town Board finds reasonably necessary to a fair determination as to whether a permit should be issued.
- d) Action on Application. The Town Board or appropriate designee thereof 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. Applications may be denied for any of the following reasons:
 - a. If it is for a use which would involve a violation of federal or state law or any provision of this Code.
 - b. If the granting of the permit would conflict with another permit already granted or for which application is already pending.
 - c. If the application does not contain the information required by Subsection (c) above.
 - d. The application is made less than the required days in advance of the scheduled exclusive use.
 - e. 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 seriously adversely affected.
 - f. 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 Town.
 - g. The exclusive use will reasonably create a substantial risk of injury to persons or damage to property.
 - h. 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 Town 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 Town 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 Town and such third parties as may be injured or damaged thereby, caused by the permittee, its agents or participants.
- g) Permit Not Required For Town Activity. A permit is not required for exclusive use of the park or a park facility sponsored by the Town.
- h) Permit Revocation. The Town Board after a permit is granted, 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 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 Town Board 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.

4-5-~~6~~ Penalties

Penalty for Violation. The penalty for violation of any provision of this Section shall be a forfeiture, together with the costs of prosecution, imposed. The forfeiture for a violation of any provision of this Section shall not be less than Fifty Dollars (\$50.00) nor more than Two Hundred Dollars (\$200.00).