

Chapter 121 Parks & Recreation

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§121-1. Park Regulations.

- (A) **Purpose and Definition.** In order to protect the parks, parkways, recreational facilities and conservancy areas within the Village 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 or conservancy district in the Village.
- (B) **Specific Regulations.**
- (1) **Littering Prohibited.** No person shall litter, dump or deposit any rubbish, refuse, earth or other material in any park.
 - (2) **Sound Devices.** No person shall operate or play any amplifying system without an approved event permit issued by the Village.
 - (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 Village.
 - (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.** No person shall trap in any park unless specific written authority is first obtained from the Village Board.
 - (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

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- endangered. Unburned fuel and ashes shall be disposed of in such a manner as to prevent fire or damage to any park property.
- (8) **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, except as permitted by this Chapter. No person shall climb any tree or remove flowers, vegetation 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.
 - (9) **Motorized Vehicles.** Except for authorized maintenance or emergency 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 a Village Board authorization for shows, rides or exhibits and then only for the purpose of loading and unloading.
 - (10) **Snowmobiles.** No person shall operate a snowmobile or all-terrain vehicle in a Village park except in designated areas.
 - (11) **Speed Limit.** No person shall operate any vehicle in a Village park in excess of 15 m.p.h. 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 alcohol.
 - (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 Village.
 - (14) **Parking in Parks.** No person shall park any motor vehicle in any park in the Village 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 Parks and Recreation Department 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. No horse shall be ridden in a reckless manner. Pedestrians shall have the right-of-way when crossing a bridle path, and whenever groups of people are visible within three hundred (300) feet horses shall be ridden at slow gait.
 - (16) **Removing Tree Protectors.** No person shall remove any device for the protection of trees or shrubs.

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- (17) **Golfing and Sporting Activities.** No golfing or practicing golf in Village parks or recreation areas shall be allowed except with the use of a whiffle ball in designated areas. 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 Village park.
- (19) **Fees and Charges.** The Village Board, upon the recommendation of the Parks and Recreation Committee, 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) **Pets.** Pets, including animals of any species, are allowed in designated areas only. No person having charge or control of any pet shall allow such pet to run at large within any Village park, but shall keep such pet attended and on a leash at all times. Pets must be licensed. Pet owners must pickup and remove any fecal matter deposited by their pet(s).
- (21) **Firearms; Hunting.** Possessing or discharging of any firearm or weapon is prohibited in all Village parks. Said possession or discharge shall be subject to any and all rules and regulations of the Holmen Police Department.
- (22) **Fish Cleaning.** Cleaning of fish in shelters, toilet facilities or picnic areas is prohibited in all Village parks.
- (23) **Controlled Substances.** Possessing, using or dispensing of a controlled substance in violation of the Uniform Controlled Substances Act is prohibited in all Village parks.
- (24) **Camping.** Overnight camping is not permitted in any Village park. Notwithstanding this prohibition, however, the Park and Recreation Board may permit individual persons or groups of persons having a common purpose to remain in one (1) or more designated area/s of a park for some or all of the hours between 11:00 p.m. and 6:00 a.m., during recognized special events open to the general public, subject to the terms and conditions which the Village deems necessary and/or desirable.
- (25) **Utility Installation and Construction.** Any private construction which may in any manner encroach upon or affect the parks and parkways shall be under the direction and jurisdiction of the Village Board and no such installation, repair or construction shall commence without the written permission therefor from the Board. All public works, including construction and installation of power lines, hydrants, sewers and the like shall be commenced only after notice to the Board of intent so to do. Where practicable, such construction and installation shall be performed pursuant to recommendations by the Board.
- (26) **Tennis Courts.** It shall be unlawful for any person to operate, ride or use a skateboard, bicycle, tricycle or other similar device, or roller skates or rollerblades on any public tennis courts. Tennis courts shall be used for tennis purposes only.
- (27) **Swimming.**
 - a. No person shall swim or bathe in any lake, river, creek, lagoon, beach or public swimming pool under the jurisdiction of the Village Park and Recreation Department except at such places and at such times as the Village Board may direct.
 - b. No person shall swim or bathe in any detention or retention pond under the jurisdiction of the Village.

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§121-2. Turf Protection on Public Property.

Except as authorized by the Parks and Recreation Department, no person shall dig into the turf of any Village-owned property for any purposes whatsoever or remove any trees, shrubs or flowers. Absent authorization by the Parks and Recreation Department, the use of metal detectors and digging for buried objects on Village property is prohibited.

§121-3. Park Hours.

- (A) **Park Hours.** Subject to certain exceptions listed below, all Village parks shall be closed from 10:00 p.m. to 8:30 a.m. Deer Wood Park shall be closed from 11:00 p.m. to 8:30 a.m.
- (B) **Exceptions to Closing Hours.** A person driving through a park on a public road; however, stopping shall not be permitted within a park. The Village may modify closing hours for particular events.
- (C) **Park Closing and Opening Dates.** The Park and Recreation Committee will have full authority to open and close any park, beach, facility or area because of season, condition, construction or when, in the interest of public safety, it is deemed necessary.

§121-4. Ultra-light Aircraft Regulated.

- (A) **Definition.** An ultra-light 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 ultra-light vehicle by 14 C.F.R. Sec. 103.1 and which is defined as an ultra-light aircraft by Sec. 114.195, Wis. Stats.
- (B) **Regulations Regarding Use.**
 - (1) No person shall operate any ultra-light aircraft within the Village in such a manner or in such a location as to endanger or injure any person or property. No person shall operate an ultra-light aircraft in the Village in violation of any applicable state and federal regulations and standards. No person shall cause an ultra-light 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 Village public park or other Village property, the operator of such ultra-light aircraft shall first obtain a permit from the Parks and Recreation Department. A fee may be charged by the Parks and Recreation Department for such permit which may be issued for a period up to thirty (30) days. The Parks and Recreation Department shall not sponsor such activity.

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- (2) Any person desiring to land or to take off from any property owned by the Village of Holmen shall, prior to receiving a permit, procure evidence of insurance providing for not less than Five Hundred Thousand Dollars (\$500,000.00) of coverage for each occurrence for damage to property or personal injury. Evidence of such insurance shall include a certificate of insurance naming the Village of Holmen as an additional insured, and said certificate shall be filed with the Village Clerk at the time the applicant seeks a permit.

§121-5. Reservation of Park Space.

- (A) **Policy on Reservation.** The Village-owned park and park facilities and shelter areas are primarily for the nonexclusive use of the residents and visitors of the Village. 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 in the Village to the end that the general welfare of the Village 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 Parks and Recreation Department for a permit for exclusive use of the same. The Parks and Recreation Department shall issue permits for exclusive use of a portion of a park or park shelter, while the Village Board, upon the recommendation of the Parks and Recreation Committee, shall issue permits for the exclusive use of Village parks. Park facilities are reserved on a first-requested, first-reserved basis. Provided, however, that during the month of January of each year, only residents of the Village of Holmen may reserve the use of a park facility or a park shelter for the current year only. Thereafter, any person or group, firm, organization, partnership or corporation may reserve the use of a park facility or a park shelter for current year only.
- (C) **Application.** Applications shall be filed, in writing, with the Parks and Recreation Department at least thirty (30) days prior to the date on which the exclusive use of the entire park is requested, or at least five (5) 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.

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- (6) Any additional information which the Village Board, Parks and Recreation Committee, Parks and Recreation Department, or Village Administrator/Clerk finds reasonably necessary to a fair determination as to whether a permit should be issued.
- (D) **Fee and Deposit.** The Village Board shall establish a schedule of fees for park space and shelter use. In addition to any required fee, all applicants for reservation of exclusive use of park space for which a permit is required shall also be required to pay a deposit in an amount as determined by the Village Administrator to insure compliance with the permit's terms and to pay for the Village's maintenance and clean-up expenses. Minimum deposit amount of \$100.00 per event day. Applications for reservations for exclusive use of park space shall not be accepted unless accompanied by the deposit and the park fee and a signed agreement for such reservation and/or use. The deposit shall be returned after the use if clean-up or repair by the Village is not required and if all terms of the permit have been fully complied with.
- (E) **Action on Application.** The Village Board or appropriate committee thereof shall act promptly on all applications for permits for exclusive park use (not shelter use) after consulting with the applicant, if necessary.
- (F) **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 Village.
 - (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.
- (G) **Indemnification.** Prior to granting any permit for exclusive use of the park, the Village 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 Village 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 Village and such third parties as may be injured or damaged thereby, caused by the permittee, its agents or participants.
- (H) **Permit Not Required For Village Activity.** A permit is not required for exclusive use of the park or a park facility sponsored by the Village.

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- (I) **Permit Revocation.** The Village Board, Park and Recreation Committee, and or the Chief of Police or his designee(s) after granting a permit may revoke a permit already issued if it is deemed that the terms of the permit are not being complied with, or that such action is justified by an actual or potential emergency due to weather, fire, riot, catastrophe or likelihood of a breach of the peace or by a major change in the condition forming the basis of the permit.
- (J) **Form of Permit.** Each permit shall be in a form prescribed by the Park and Recreation Committee 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.
- (K) **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 Chapter 78 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.
- (L) **Violation of Terms of Permit.** It shall be unlawful for any person, organization or other entity to which a permit is issued for a specific park, park area or shelter to use or occupy a park, park area or shelter other than that for which the permit is issued. Any person, organization, or other entity violating this section shall be subject to immediate revocation of their permit and removal from the park, park area or shelter, forfeiture of the deposit paid, together with forfeiture as provided in §121-6 and §121-7 of the Code of Ordinances.

§ 121-6. Violations and penalties.

Any person violating any provision of this chapter, including those provisions of Wisconsin Statutes or other materials which are incorporated herein by reference, shall upon conviction thereof forfeit not less than \$50 nor more than \$500 for the first offense and not less than \$100 nor more than \$1,000 for a subsequent offense, the costs of prosecution, the costs of property damages, and in default of payment of such forfeiture and the cost of prosecution shall be imprisoned in the county jail until payment of such forfeiture and costs of prosecution, but not exceeding 90 days for each violation, provided, however, that in no case shall the forfeiture imposed for a violation of any provision of this section exceed the maximum fine for the same offense under the laws of the State of Wisconsin.

§ 121-7. Adoption of state schedules.

The State of Wisconsin Revised Uniform State Traffic Deposit Schedule and Alcohol Beverages, Harassment, Safety, Tobacco, U.W. Rule, and Drug Paraphernalia Violations Deposit Schedule and Uniform Misdemeanor Bail Schedule and Trespass to Land Deposit Schedule are hereby adopted by reference.

This ordinance shall become effective upon passage and publication.

John W Chapman
Village President

Catherine J. Schmit
Village Clerk

Passed: 8/14/2008
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