

Ordinance 12-2024

Amending Code of Ordinances Chapter 58: Parks and Recreation

The Mount Pleasant Village Board ordains:

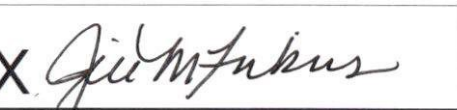
1. That they amend Chapter 58: Parks and Recreation as shown in Exhibit A; and
2. That this ordinance shall take effect upon adoption and publication as provided by law.

Adopted June 24, 2024.

THE VILLAGE OF MOUNT PLEASANT, RACINE COUNTY, WISCONSIN

X 

David DeGroot
President

X 

Jill Firkus
Clerk

Code of Ordinances, Village of Mount Pleasant, Wisconsin Parks and Recreation¹

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¹ General authority relative to parks, Wis. Stats. §§ 27.13, 62.22.

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Section 58.01 Definitions

For the purposes of this chapter, the following terms, phrases, words, and their derivations shall have the following meanings.

(a) Terms beginning with B

(i) *Board*

The Mount Pleasant Village Board .

(b) Terms beginning with C

(i) *Commission*

The Mount Pleasant Plan Commission [commission].

(c) Terms beginning with P

(i) *Park*

A park property, nature preserve, reservation, playground, recreation center, or any other area in the Village, owned or used by the Village, and devoted to active or passive recreation.

(d) Terms beginning with S

(i) *Special event*

Any large-scale gathering, event, or celebration required to provide general liability insurance coverage. Examples of this type of special event include Village celebrations, festivals, and large corporate-sponsored events.

(e) Terms beginning with V

(i) *Vehicle*

Any wheeled conveyance, whether motor powered, animal-drawn, or self-propelled. The term shall include any trailer in tow of any size, kind, or description, excluding baby carriages and vehicles servicing Village parks.

Section 58.02 Standards for approval, permits, and permission

Whenever the provisions of this chapter condition any activity or conduct upon obtaining a permit, permission, or approval of a Village officer, Village employee, or board, that officer, employee, or board shall grant such permit, permission, or approval upon a showing that the activity or conduct:

- (a) Will not violate any state law, state rule, or Village ordinance;
- (b) Will not endanger public property, public health, public safety, or public welfare; and
- (c) Will not unreasonably interfere with the rights of others to use parks.

Section 58.03 Conditions of permitting canines in parks

- (a) The Village shall not permit any canine within 25 feet of any of the following within a Village park: public building, picnic shelter, splash pad, great lawn, athletic field/court, bleachers, playground structure, delineated beach, gazebo, Native American burial mound, and other locations posted by order of the Parks and Recreation Manager or their designee.
- (b) The Village shall not permit any canine within any park facility or field enclosed by a fence, including but not limited to pickleball courts, ball fields, or any other fenced facility.
- (c) Notwithstanding (a), the Village permits canines on any park pathway notwithstanding their proximity to any public park building, picnic shelter, athletic field, or court, whether in use or not, playground structure, or gazebo, unless temporarily posted otherwise by order of the Parks and Recreation Manager or their designee.
- (d) Notwithstanding the provisions of this section, the Plan Commission may authorize canines at events within a Village park. The event sponsor shall formally request permission for canines at their event(s). The event sponsor shall post reasonable signage giving notice whether the Village permitted canines at the event.

- (e) All canines in Village parks shall always be under a person's direct control by a physical nonretractable leash of no more than six feet always held by a person. The Village prohibits control utilizing radio collars.
- (f) Any person bringing a canine onto park property shall immediately pick up and dispose of all waste from the canine. Such person shall carry bags, scoops, or other appropriate implements for waste removal while on park property.
- (g) The restrictions imposed in this section shall not apply to service animals, as defined in state and federal law, assisting a person with a disability and any canine assisting law enforcement personnel in their duties.

Section 58.04 Fees and charges.

See CHAPTER 30: FEES AND CHARGES.

Section 58.05 Variances

The Board of Appeals may grant a variance for a specified time to the restrictions set forth in this chapter.

Section 58.06 Violations; penalties, enforcement.

(a) Officials

The police department, the Village staff, the commission, and the board shall, in connection with their duties imposed by law, diligently enforce the provisions of this article.

(b) Ejection

The police department may eject any person violating this chapter from the park.

(c) Exceptions

During the customary daily duties performed by village employees or in situations where action is necessary to protect public health, welfare, and safety, such employee activities are exempt from the provisions of this article.

(d) Penalties

Upon conviction, any person who violates any provision of this chapter shall be subject to forfeiture as provided in § 1-15. Additionally, the Village may refuse to issue any park permit to anyone who violates this chapter.

Section 58.07 Park property

(a) Buildings and other property

(i) Disfiguration and removal

No person may willfully mark, deface, disfigure, injure, tamper with or displace or remove any building, bridges, tables, benches, fireplaces, railings, paving or paving material, water lines, electrical system, lighting system, or other public utilities or parts or appurtenances thereof, signs, notices or placards whether temporary or permanent, monuments, stakes, posts or other boundary markers, or other structures or equipment, facilities or park property or appurtenances whatsoever, either real or personal.

(ii) Restrooms and washrooms

No person may fail to cooperate in maintaining restrooms and washrooms neat and sanitary.

(iii) Removal of natural resources

No person may dig or remove any soil, rock, stones, trees, shrubs, plants, down timber, or other wood or materials or excavate by tool, equipment, blasting, or other means or agency.

(iv) Erection of structures

No person may construct or erect any building or structure of whatever kind, whether permanent or temporary in character, or run or string any public service utility into, upon, or across such lands except on a special written permit issued hereunder.

(b) Trees, shrubbery, lawns

(i) Injury and removal

No person may damage, cut, carve, transplant, remove, injure the bark, or pick the flowers or seeds of any tree or plant. Nor shall any person attach any rope, wire, or other contrivance to any tree or plant. No person shall dig in or impair any area's natural beauty or usefulness.

(ii) Climbing

No person may climb, walk, stand, or sit upon monuments, vases, shelters, fountains, railing, fences, or any other property not designated or customarily used for such purposes.

(c) Wild animals

(i) Hunting

No person may hunt, molest, harm, frighten, kill, trap, chase, tease, shoot, or throw missiles at any animal, nor shall they remove or possess the young, eggs, or nest of any wild animal. No person in a park shall use, carry, or possess a weapon, any instrument that can be loaded to fire blank cartridges, or any kind of trapping device. Nothing in this section shall prohibit police officers, deer, wildlife management, and animal control officers from using, carrying, or possessing weapons on Village park land to discharge their duties.

(i) Feeding

No person may offer, give, or attempt to give to any animal any tobacco, alcohol, or other known noxious substance, drug, or narcotic. Additionally, no person may feed wild animals, including ducks or geese.

Section 58.08 Sanitation

(a) Pollution of waters

No person shall throw, discharge, or otherwise place any substance, matter, or thing, liquid or solid, which will or may result in the pollution of the waters of any fountain, pond, stream, or other body of water in or adjacent to any park or any tributary, stream, storm sewer, or drain flowing into such waters.

(b) Refuse and trash

No person shall bring in, dump, deposit, or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, refuse, or other trash. No person shall place any such refuse in any waters in or contiguous to any park or leave any refuse anywhere on the grounds thereof. All people shall place refuse in the proper receptacles where the Village provides them. Where the Village does not provide receptacles, all people shall carry their rubbish away from the park and properly dispose of it elsewhere.

Section 58.09 Traffic

(a) State motor vehicle laws apply

All people shall comply with all applicable provisions of the local, Racine County, and Wisconsin motor vehicle traffic laws regarding equipment and vehicle operation.

(b) Enforcement of traffic regulations

All people shall obey all traffic officers, park employees, designated volunteers, or such persons authorized to direct traffic whenever and wherever needed in the parks and on the immediately adjacent highways, streets, or roads per the provisions of these regulations and such supplementary regulations as may be issued subsequently by the board.

(c) Obey traffic signs

All people shall carefully observe all traffic signs indicating speed, direction, caution, stopping, or parking, and all others posted for proper control and to safeguard life and property.

(d) Speed of vehicles regulated

No person may ride or drive a vehicle at a speed exceeding 15 miles per hour except on roads designated by posted signs for speedier travel.

(e) Operation confined to roads

No person may drive any vehicle on any area except the paved park roads, parking areas, or such other areas as the Village may, on occasion, specifically designate as temporary parking areas.

(f) Parking

(i) Designated areas

No person may park a vehicle in an area other than an established or designated parking area. Such parking shall comply with any posted directions and the instructions of any present attendant.

(ii) Roads and driveways

No person may park on a road or parkway violating posted regulations. The Village prohibits stopping or parking on the left-hand side of any road or parkway.

(iii) Night parking

No person shall leave a vehicle standing or parked at night without lights visible for at least 100 feet from front and rear on any parkway or road area except legally established parking areas.

(iv) Double-parking

No person shall double-park any vehicle on any road or parkway unless directed by a park official.

(g) Bicycles

(i) Where operation prohibited

No person shall ride a bicycle on a pickleball court, splash pad, ball diamonds, soccer fields, designated picnic areas, or other posted locations.

(ii) Operation

All people shall ride bicycles on the right-hand side of the road, no closer than conditions permit, and in single file when two or more operate as a group. Bicyclists shall regard the safety of others, signal all turns, pass to the right of any vehicle they overtake, and pass to the right of any vehicles they meet.

(iii) Rider prohibited

No person shall carry any other person on a bicycle except if there is another designed seat, for example, with child carriers, tandem bicycles, or cargo bicycles.

(i) Lamps and other equipment on bicycles and other vehicles and devices

All people shall follow the regulations contained within Wis. Stats. § 347.489.

(h) Snowmobiles

The term "snowmobile" has the meaning designated in Wis. Stats. § 340.01(58a). No person shall operate a snowmobile in a Village park contrary to Wis. Stats. Ch. 350, outside of established trails or areas, at prohibited times, or contrary to Village rules and regulations.

(i) Commercial Vehicles

(i) The term "commercial vehicles" as used in this section shall include, but not be limited to trucks, station wagons, vans, pickups, passenger cars, or other vehicles when used in transporting persons or movable property for a fee or profit, either as a direct charge to another person, or otherwise, or used as incident to providing services to another person (except when transporting passengers or movable property to or from

village property), or used in connection with any business, except during the course of doing business with the village.

(ii) No Person, other than village employees, shall drive any truck, tractor or other commercial vehicle of any kind on village property without first obtaining a contract, permit, or written permission therefor from the village.

(iii) This section shall not apply to commercial vehicles making authorized deliveries to, or performing authorized services for the village.

Section 58.10 Recreational Activities

(a) Bathing and swimming

(i) Designated areas

No person shall swim, bathe, or wade in any waters or waterways in or adjacent to any park except in provided places. The Village may prohibit such activities if it finds the water dangerous or inadvisable.

(ii) Certain hours

No person shall swim, bathe, wade, or congregate in any designated waters except between the hours of the day designated by the Village.

(b) Picnic areas and use

(i) Regulated

No person shall picnic or lunch in a place other than those designated or appropriate for that purpose. The Village may regulate such activities in areas to prevent congestion and to secure maximum use for the comfort and convenience of all. Visitors shall comply with any directions given to achieve this end.

(ii) Availability

No person shall violate the regulations on using individual fireplaces with tables and benches. The Village may issue permits for the use of picnic areas up to at least 24 hours before their intended use. The permit holder shall have priority over all other users for the area and facilities specified in the permit. Without a permit, the use of picnic areas and facilities shall follow the rule, "first come, first served."

(iii) Non-exclusive

No person shall, except as authorized by permit, use any picnic areas, buildings, or structures to hold picnics to the exclusion of other persons, nor shall any person use such areas or facilities for an unreasonable time if the facilities are crowded. The Village may post locations it deems non-exclusive.

(iv) Duty of picnicker

No person shall leave a picnic area before they completely extinguish a fire and before all trash, including boxes, papers, cans, bottles, garbage, and other refuse, is placed in the disposal receptacles where provided. If no such trash receptacles are available, the picnicker shall carry refuse and trash away from the park area to dispose of elsewhere properly.

(c) Camping

No person shall camp in the parks.

(d) Games

No person shall play any games involving thrown or propelled objects such as stones, arrows, javelins, or model airplanes except in the areas set apart for such forms of recreation.

(e) Horseback riding

No person shall bring or ride a horse, llama, or other similar animal in the parks.

(f) Golfing

No person shall golf or practice golf in a Village park.

Section 58.11 Behavior

(a) Fireworks and explosive

No person shall bring, have in their possession, set off, cause to explode, discharge, or burn any explosives or fireworks in a Village park except as permitted in other sections of the Village ordinances.

(b) Fires

No person shall build or attempt to build a fire except in designated areas following posted regulations. No person shall drop, throw, or otherwise scatter lit matches, burning cigarettes or cigars, tobacco paper, or other flammable material within any park area or on any abutting or contiguous highway, road, or street.

(c) Closed areas

No person shall enter an area posted as closed to the public, nor shall any person use or abet the use of any area in violation of posted notices.

(d) Going onto ice

No person shall go onto the ice on any of the waters except such areas as designated as skating fields provided a safety signal is displayed.

(e) Boisterousness

No person shall engage in loud, boisterous, threatening, abusive, insulting, or indecent language reasonably calculated to cause an immediate breach of the peace or engage in any disorderly conduct or behavior tending to a breach of the public peace.

(f) Noise

No person shall operate any mechanical device that produces undue or unnecessary noises.

(g) Exhibit permits

Every person shall produce and exhibit any parks and recreation permit upon request of any authorized person who desires to enforce compliance with any ordinance or rule. .

(h) Interference with permittees

No person shall disturb or unreasonably interfere with any person or party occupying any area or participating in any activity under the authority of a permit.

Section 58.12 Merchandising, advertising, and signs

(a) Vending and peddling

No person shall expose or offer for sale any article or thing, nor shall they station or place any stand, cart, or vehicle for the transportation, sale, or display of any such article or thing except for any regularly licensed concessionaire acting under the authority and regulation of a permit.

(b) Advertising

No person shall announce, advertise, or call the public attention in any way to any article or service for sale or hire.

Section 58.13 Park operating policy

(a) Hours

Except for unusual and unforeseen emergencies, parks shall be open to the public every day of the year during designated hours. The village shall post the opening and closing hours for each individual park for public information. No one shall enter or be in a park during the hours when closed.

(b) Closed areas

The village may declare any section or part of any park closed to the public at any time for any interval of time, either temporarily or at regular and stated intervals, daily or otherwise, and either entirely or merely to certain uses, as staff, commission, or the Village Board shall find reasonably necessary.

(c) Lost and found articles

Any person shall report lost articles to the Parks and Recreation Manager who shall make every reasonable effort to find articles reported as lost.

(d) Permit

All people shall obtain a park permit to reserve any park facility.

(i) Application/Reservation Request

A person seeking issuance of a permit hereunder shall file an application/reservation request with the parks department. The application shall state the following:

- 1) The name and address of the applicant.
- 2) The name and address of the person, persons, corporation, or association sponsoring the activity, if any.
- 3) The day and hours for which the permit is desired.
- 4) The park or portion therefor for which such permit is desired.
- 5) An estimate of the anticipated attendance.
- 6) Any other information which the parks department shall find reasonably necessary and appropriate to require for a fair determination as to whether a permit should be issued hereunder.

(ii) Standards for issuance

The Parks and Recreation Manager shall issue a permit when they find:

- 1) That the proposed activity or use of the park will not unreasonably interfere with or detract from the public enjoyment of the park.
- 2) That the proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety, and recreation.
- 3) That the proposed activity or use is not reasonably anticipated to incite violence, crime, or disorderly conduct.
- 4) That the proposed activity will not entail unusual, extraordinary, or burdensome expense or police operation by the Village.
- 5) That the facilities desired have not been reserved for other use at the day and hour required in the application.

(iii) Effect of permit

All park rules and regulations and all applicable ordinances shall bind a permittee.

(iv) Liability of permittee

The person or group to whom the village issues a permit is liable for any loss, damage, or injury sustained by any person by reason of negligence of the permit holder.

- 1) All special event permit holders must submit a certificate evidencing general liability insurance coverage. Other groups may be required to also provide evidence of insurance depending upon the nature of the activity. If required, permit holders shall submit a general liability insurance policy certificate (minimum \$1,000,000.00 coverage - additional amount may be required depending on the nature of the activity) including personal injury and blanket contractual coverage as well as auto liability and workers compensation if applicable. The certificate shall name the Village of Mount Pleasant as an additional insured party.

(v) Revocation

Village staff, commission, or board may revoke a permit upon a finding of violation of any rule or ordinance or upon good cause shown.

(e) Special event application

In addition to the permit requirements outlined in (d), special events shall also require a special event application.

(i) Terms

The commission established a standard special event application, which serves as the basis for all special event rentals. Fees specified in the special events application shall be those required under the Village's current fee schedule. If an applicant is willing to execute the standard agreement, and the application meets the requirements of this Code and the Village's current parks policies, the application may be approved by the parks and recreation manager; otherwise the commission and approval shall review the terms and conditions.

(ii) Renewal

Once the special event agreement terms for an event are established, the Parks and Recreation Manager may administer and renew and reissue the agreement for that event in that and future years subject to any changes in fees or policies of the Village.

(iii) Campus Park

Special event agreements for special events at Campus Park may include requests to exceptions for the requirements of this chapter. Such exceptions shall be considered deviations to the standard special event agreement, and follow the approval requirements of (1).

(f) Possession of alcoholic beverages

(a) Alcoholic beverages

(i) Prohibited

No person may bring or drink any spirituous, vinous, malt, or mixed liquors in any park or parkway. No person may bring or drink any fermented malt beverages except in designated picnic areas by permit.

(ii) Sale

Any person wishing to sell fermented malt beverages or wine coolers may do so only in designated areas with a temporary class B/class B retailers license.

(b) Alcohol Permits

(i) Age limits

The Village shall only issue park alcohol permits to adults 21 years or older with a signed parks reservation disclaimer.

(ii) Group use

A person may use their permit for a group so long as the permit holder remains at the park with the permit the entire time there is any drinking from or possession of open containers of permitted alcoholic beverages.

Permit deniala permit application if the applicant has a verifiable history of code violations or criminal conduct relating to disorderly conduct, criminal damage to property, or any other violation directly related to misuse of Village parks or property.

(iii) Permit hours

No person shall drink from or possess an open container of permitted alcoholic beverage in any park before 10:00 AM or after 10:00 PM.

Section 58.14 Fishing: catch and release

(a) Park Property Ponds

The village permits fishing during regular park hours, except when Village-sponsored activities use such waters. The village considers these ponds "catch and release ponds;" therefore, all fishers must immediately return caught fish to the pond. Fishers must use regular fishing line and barb-free hooks at all times.

(b) Stormwater Detention Ponds

The village considers these ponds "catch and release ponds;" therefore, all fishers must immediately return caught fish to the pond. Fishers must use regular fishing line and barb-free hooks at all times. The village permits fishing in these ponds from 5:00 AM to 11:00 PM, except when Village-sponsored activities use such waters, subject to Wisconsin Department of Natural Resources regulations and licensing requirements.