

ORDINANCE 704-070824

Amending and Recreating Chapter 170 of the Village Code of Ordinances, Parks and Recreation

WHEREAS, The Village Board has established conformance with US Flag and State Flag code through it's operational policies; and

NOW THEREFORE, BE IT ORDAINED, that Chapter 170 of the Village of Waterford's Code of Ordinances amended and recreated as follows:

Chapter 170 Parks and Recreation

§ 170-1 Use of Village parks.

A. Closing times.

- (1) The public parks in the Village shall be closed to public use during designated hours as follows:
 - (a) Cornerstone Crossing Nature Conservancy, River Bend Park, Safety Building Park, Ten Club Park and Village Hall Park shall be closed between the hours of 10:00 p.m. and 4:00 a.m. of each successive following morning.
 - (b) Whitford Park shall be closed between 10:00 p.m. and 8:00 a.m. of each successive following morning.
 - (c) Huening Park (the public Village boat ramp located adjacent to Village Hall Park on the Fox River) shall be closed between 10:00 p.m. and 8:00 a.m. of each successive following morning.
- (2) No person shall use the parks, their facilities, or their drives or walkways for any purposes during such closed hours.
- (3) Individuals or sanctioned groups may apply for a reservation exempting them from the closing times stated above for scheduled events which are reasonably expected to commence prior to the closing times stated and terminate after the closing times stated, provided the reservation is obtained pursuant to § 170-2. No variation of the closing time shall be available for the park(s) listed in Subsection A(1)(c).
- (4) Any walkway which connects Main Street and the Village parking lot to the north of Main Street shall not be classified as a park and shall not be subject to the closing times stated herein.

B. Vehicles. Vehicles are restricted to the roads, drives and parking areas. Vehicles are allowed to drop off people and supplies when conditions are appropriate, however, all vehicles must be parked on the street or in designated parking areas, unless parked in a designated off-road location pursuant to a direct sellers permit issued under § 182-5 or a special event permit issued under § 188-1. Except as provided herein, no person shall operate any vehicle, motorcycle, trail bike, truck or other motorized vehicle in any park, playground or public area.

- C. Alcohol use. The use of intoxicating liquor and fermented malt beverages is allowed in the Village parks under the following terms and conditions.
- (1) No intoxicating liquor or fermented malt beverage may be consumed on any road, drive or parking area.
 - (2) No glass beverage bottles are allowed.
 - (3) No sale of intoxicating liquor is allowed.
 - (4) Fermented malt beverages and/or wine may be sold only if a temporary/picnic license is obtained pursuant to Chapter 148 of this Municipal Code and Chapter 125 of the Wisconsin Statutes. Only bona fide clubs, churches, lodges, societies, veteran's organization and fair associations in existence for longer than six months are eligible for these licenses. Licensed operator(s) must be present at all times. No person may give away fermented malt beverages or wine in order to circumvent the provisions of this subsection. See §§ 125.315 and 125.67, Wis. Stats.
- D. Fires. No person shall start, tend or maintain a fire except in personal grills, designated fireplaces, or pursuant to a special event permit. Personal grills shall be used only in designated areas, and only if lawns and vegetation are not endangered.
- E. Loudspeakers and amplifying devices. Loudspeakers and amplifying devices may only be used in the parks if approval is granted pursuant to a special event permit. This subsection shall not apply to bona fide Waterford area youth and adult leagues.
- F. See also § 218-9C of this Municipal Code (no snowmobile may be operated in any Village Park); §§ 218-21 and 218-22 (no all-terrain vehicles may be operated in any Village Park unless under the provisions of a special event permit); and ~~§ 87-1 (dogs not allowed in public parks, except Cornerstone Crossing Nature Conservancy).~~
- G. Only two flags may be flown on flagpoles owned by the Village of Waterford in its parks or facilities. At the highest point of the flag pole, The national flag of the United States, often referred to as the American flag or the U.S. flag, consists of thirteen equal horizontal stripes of red (top and bottom) alternating with white, with a blue rectangle in the canton, referred to as the union and bearing fifty small, white, five-pointed stars arranged in nine offset horizontal rows, where rows of six stars (top and bottom) alternate with rows of five stars and below the US flag, the State flag of the State of Wisconsin, consisting of (a) Relative dimensions of 2 to 3, hoist to fly. (b) A background of royal blue cloth. (c) The state coat of arms, as described under. 1.07, in material of appropriate colors, applied on each side in the center of the field, of such size that, if placed in a circle whose diameter is equal to 50 percent of the hoist, those portions farthest from the center of the field would meet, but not cross, the boundary of the circle. (d) The word "WISCONSIN" in white, capital, condensed Gothic letters, one-eighth of the hoist in height, centered above the coat of arms, midway between the uppermost part of the coat of arms and the top edge of the flag. (e) The year "1848" in white, condensed Gothic numbers, one-eighth of the hoist in height, centered below the coat of arms, midway between the lowermost part of the coat of arms and the bottom edge of the flag.

§ 170-2 Park reservations.

- A. The municipality owned parks, park facilities and shelter areas in the Village are primarily for the nonexclusive use of the residents of the Village. However, under proper circumstances, exclusive use of a park or area of a park may be permitted. This section is intended to regulate exclusive use of municipally owned parks, park facilities and shelter areas in the Village so that the general welfare of the Village is protected.
- B. A person or group, firm, organization, partnership or corporation may reserve the use of a park, park facility or shelter area located in the Village by written application for reservation filed with the Village

Clerk. Parks or areas of parks without restroom facilities may only be reserved in conjunction with a special event permit issued under § 188-1.

- C. Applications shall be filed with the Village Clerk prior to the date on which the exclusive use is requested. The adult signing the reservation application is the duly authorized representative and is responsible for any and all damages, missing items and cleanup. The application shall set forth the following information regarding the proposed exclusive use:
- (1) The name, address, telephone number and identification information 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 entity, and the responsible and authorized heads or partners of the entity.
 - (3) The name, address and telephone number of the person who will be responsible for the use of the park, area or facility.
 - (4) The purpose of the proposed use, the date when the exclusive use is requested and the hours of the proposed exclusive use.
 - (5) The anticipated number of persons to use the park, area or facility.
 - (6) Any additional information the Village Clerk finds reasonably necessary to a fair determination as to whether a permit should be issued.
- D. If the use of the park, park facility or shelter area may be classified as a special event, as defined in § 188-1 of this Municipal Code, a special event permit must be obtained in addition to a park reservation.
- E. Reservations for the exclusive use of a park, park facility, or shelter area may be approved by the Village Clerk, except:
- (1) If a special event permit is required, the Village Clerk shall not approve the reservation until the special event permit is approved pursuant to the provisions of Chapter 188; and
 - (2) If the hours of the reservation vary from the closing times set forth in § 170-1A, the Village Board must approve the reservation.
- F. The Village Clerk shall act as promptly as reasonably may be on all applications for reservations after consulting with the applicant, if necessary.
- G. The application shall 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 reservation already granted or for which application is already pending.
 - (3) If the application does not contain the information required by Subsection C above.
- H. The application may be denied for any of the following reasons:
- (1) If the applicant is not a resident of the Village.
 - (2) If the exclusive use is proposed for a group, firm, organization, partnership or corporation and the said

group, firm, organization, partnership or corporation does not have its headquarters, principal place of business or hold regular meetings in the Village.

- (3) If it is for a use of a park, park facility or shelter area at a date and time when, in addition to the proposed use, anticipated nonexclusive use by others of the park, park facility or shelter area is expected and would be seriously adversely affected.
 - I. A reservation is not required for exclusive use of a park, park facility or shelter area sponsored by the Village.
 - J. The person holding the reservation shall fully reimburse the Village for any expenses it incurs to repair any damage to the park or park facilities, to clean the reserved area at the expiration of the reservation, to replace any keys or rekey any locks upon a failure of the reservation holder to return any keys to the Village, and any costs incurred in obtaining such reimbursement, including reasonable attorneys fees.
 - K. The Village Clerk, after granting a reservation, or, in any event, the Village Board, may revoke a reservation already made 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 reservation.
 - L. Each reservation shall be in a form prescribed by the Village Clerk and shall designate the park, park facility or shelter area involved, date, hours of the reservation, purpose of the reservation and the name of the person, group, firm, organization, partnership or corporation to which the reservation is granted.
 - M. Reservation fees and deposits.
 - (1) Except as provided in Subsection M(2), all applications for park reservations shall be accompanied by a deposit according to the fee schedule approved by the Village Board. The fees may be based on residency. A refundable cleaning deposit, in an amount established by the Village Board, shall also be required.
 - (2) Bona fide Waterford area youth and adult leagues shall be exempt from reservation fees required by Subsection M(1) for routine league play. All leagues shall be subject to the fees outlined under this section when requesting exclusive use of ball diamonds for tournament play, and may, in addition, be required to obtain a special event permit. This exemption is not intended to exempt these leagues from payment of other fees for the use of Village facilities as determined by the Village Board. Schools and other public nonprofit entities shall be exempt from permit fees required by Subsection M(1) for picnics and similar gatherings. Exemption under this subsection does not relieve an entity from the responsibility for costs incurred by the Village under Subsection J.
 - (3) Cleaning deposits made pursuant to this subsection shall be returned to the applicant if the facilities for which the permit was issued are surrendered in a clean and undamaged condition upon expiration of the reservation and all keys issued for access to the facilities are returned to the Village on the next business day. In the event the holder of the reservation is liable to the Village for any loss or damage as provided in Subsection J, the amount thereof may be retained from the deposit and the balance, if any, returned to the reservation holder. Any deposit retained shall be deemed partial satisfaction of the reservation holder's liability to the Village and neither the retention of the deposit nor return thereof shall preclude the Village from recovering the balance of the amount due under Subsection J.
 - (4) The Public Works and Utilities Committee shall have the authority to waive permit fees upon request by the applicant and consideration of the Committee. In considering such requests, the Committee shall consider the proposed location of the event, whether or not the proposed event is open to the public, any admission or participant fees to be charged, and whether or not the event is sponsored by a governmental or by a not-for-profit organization. [Amended 5-9-2011 by Ord. No. 574]

N. Interference with reservations. No person shall interfere with or encroach on any properly reserved area of any park.

§ 170-3 Violations and penalties.

Any person who shall violate any provision of this chapter, or any regulation, rule or order made hereunder, shall be subject to a penalty as provided in Chapter 1, Article II, of this Municipal Code.

Passed and adopted: 8th of July, 2024

BY ORDER OF THE VILLAGE BOARD

Don Houston, President

ATTEST:

Rachel Ladewig, Clerk